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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

IN THE MATTER OF THE:)
)
PERMITTING AND)
ENFORCEMENT COMMITTEE)
)

DATE AND TIME: WEDNESDAY, NOVEMBER 5, 1997
9:30 A.M.

PLACE: BOARD HEARING ROOM
8800 CAL CENTER DRIVE
SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR
 CERTIFICATE NO. 7152

BRS FILE NO.: 42616

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APPEARANCES

MR. ROBERT FRAZEE, CHAIRMAN
MR. STEVEN R. JONES, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, EXECUTIVE DIRECTOR
MR. KEITH SMITH, DEPUTY DIRECTOR
MR. ELLIOT BLOCK, LEGAL COUNSEL
MS. LORI LOPEZ, COMMITTEE SECRETARY

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1 SACRAMENTO, CALIFORNIA;

2 WEDNESDAY, NOVEMBER 5TH, 1997

3 9:30 A.M.

4

5 CHAIRMAN FRAZEE: MEETING WILL COME TO
6 ORDER, PLEASE. THIS IS THE NOVEMBER 5TH MEETING OF
7 THE PERMITTING AND ENFORCEMENT COMMITTEE OF THE
8 INTEGRATED WASTE MANAGEMENT BOARD. SECRETARY WILL
9 CALL THE ROLL, PLEASE.

10 THE SECRETARY: BOARD MEMBER JONES.

11 MEMBER JONES: HERE.

12 THE SECRETARY: BOARD MEMBER RELIS.

13 MEMBER RELIS: HERE.

14 THE SECRETARY: CHAIRMAN FRAZEE.

15 CHAIRMAN FRAZEE: HERE. ALL MEMBERS ARE
16 PRESENT.

17 DO WE HAVE ANY EX PARTE
18 COMMUNICATIONS TO DISCLOSE THIS MORNING?

19 MEMBER JONES: I DO, MR. CHAIRMAN. I HAVE
20 FOUR. I SPOKE BRIEFLY WITH TERRY EGAN, SAID HELLO
21 TO GEORGE LARSON, MET WITH MR. KENNEDY FROM INYO
22 COUNTY TO SEE HOW WE WERE DOING IN INYO COUNTY, AND
23 WITH MR. DON ANDRES, WHO'S REPRESENTING EDMOND HILL

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24 ON THAT ITEM.

25 CHAIRMAN FRAZEE: MR. RELIS.

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1 BOARD MEMBER RELIS: JUST TERRY -- I'M
2 SORRY, YOUR LAST NAME -- FROM SAN DIEGO. WHERE ARE
3 YOU? DAVE TERRY, JUST SAID HELLO. THAT'S IT.

4 CHAIRMAN FRAZEE: OKAY. AND MINE ARE ALL
5 RECORDED.

6 BY WAY OF ANNOUNCEMENTS, BEFORE WE
7 BEGIN THE AGENDA, FIRST OF ALL, THE USUAL
8 PROCEDURE. IF YOU WISH TO SPEAK ON ANY ITEM ON
9 TODAY'S AGENDA, THERE ARE SPEAKER SLIPS AT THE BACK
10 TABLE. IF YOU FILL THOSE OUT AND BRING THEM
11 FORWARD TO THE COMMITTEE SECRETARY, SO WE CAN CALL
12 UPON YOU AT THE APPROPRIATE TIME.

13 THE -- IT'S THE INTENTION OF THE
14 CHAIR TO TAKE ONE ITEM OUT OF ORDER TODAY AND THEN
15 PROCEED WITH THE BALANCE OF THE AGENDA AS IT IS.
16 FIRST, LET'S HAVE THE DEPUTY DIRECTOR'S REPORT.

17 MS. RICE: GOOD MORNING, MR. CHAIRMAN AND
18 MEMBERS. I'LL BE VERY BRIEF IN THE INTEREST OF
19 GETTING TO TODAY'S AGENDA, WHICH IS LENGTHY. ONE
20 BRIEF ITEM, WHICH IS A CARRY-OVER FROM LAST MONTH,
21 IS MY REPORT TO YOU COVERING DELEGATED APPROVALS
22 FOR THE THIRD QUARTER OF 1997.

23 THE MEMO OUTLINING THE DETAIL OF ALL

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24 OF THOSE APPROVALS IS ON ITS WAY TO YOU TODAY. AS

25 SOME VERY BRIEF HIGHLIGHTS, IT DOES INCLUDE SIX

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1 MODIFIED PERMITS, EIGHT TIRE -- 18 TIRE ENFORCEMENT
2 ORDERS, AND ONE FINAL CLOSURE PLAN APPROVAL. AS I
3 INDICATED, COPIES ARE ON THEIR WAY TO YOU WITH ALL
4 OF THE NAMES OF THE FACILITIES AND THE DETAIL. IF
5 YOU HAVE ANY QUESTIONS, AFTER YOU'VE HAD TIME TO
6 REVIEW IT, FEEL FREE TO CALL ME AND I'LL PROVIDE
7 THAT.

8 ALSO, IF ANY MEMBER OF THE AUDIENCE
9 WOULD LIKE A COPY OF THE MEMO, JUST LEAVE YOUR CARD
10 WITH ME AT SOME POINT AND I'LL MAKE SURE THAT YOU
11 GET THAT MEMO AS WELL.

12 SECONDLY, A VERY BRIEF UPDATE ON
13 ENFORCEMENT ORDERS THAT WE ARE AWARE OF THAT HAVE
14 BEEN ISSUED UNDER THE AUTHORITY OF THE CHIPPING AND
15 GRINDING REGULATIONS, THE STORAGE AND CHIPPING AND
16 GRINDING REGULATIONS.

17 WE ARE AWARE OF A NUMBER OF ACTIONS
18 WITHIN RIVERSIDE COUNTY, I BELIEVE TWO ENFORCEMENT
19 LETTERS AND ONE CEASE AND DESIST ORDER, AND MY
20 UNDERSTANDING IS THAT THEY HAVE HAD AN IMPACT IN
21 TERMS OF BRINGING ABOUT A BETTER OUTCOME.

22 WITHIN ORANGE COUNTY WE ARE AWARE OF
23 A CEASE AND DESIST ORDER WHICH ALSO HAS BEEN

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24 EFFECTIVE IN STOPPING THE ACTIVITY THAT WAS
25 OCCURRING. AT THIS TIME I DON'T HAVE REPORTS IN

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1 FROM ALL COUNTIES AND WILL PROBABLY TRY, IN THE
2 INTEREST OF TIME, TO PREPARE A WRITTEN REPORT THAT
3 I CAN PROVIDE YOU BETWEEN NOW AND THE NEXT MEETING.
4 AND IN THE INTEREST OF BREVITY, THAT CONCLUDES MY
5 REPORT.

6 CHAIRMAN FRAZEE: OKAY. THANK YOU.

7 MR. CHANDLER, DO YOU HAVE ANYTHING?

8 MR. CHANDLER: NOTHING THIS MORNING, MR.

9 CHAIRMAN. THANK YOU.

10 CHAIRMAN FRAZEE: NOW WE'RE GOING TO TAKE
11 ITEM 9 OUT OF ORDER IN ORDER TO ACCOMMODATE THE
12 TRAVEL ARRANGEMENTS. THIS IS THE CONSIDERATION OF
13 PROGRESS MADE BY THE INYO COUNTY DEPARTMENT OF
14 ENVIRONMENTAL HEALTH SERVICES AS THE LOCAL
15 ENFORCEMENT AGENCY FOR INYO COUNTY DURING THE
16 SIX-MONTH PROBATIONARY STATUS. STAFF REPORT.

17 MS. RICE: THANK YOU, MR. CHAIRMAN. MARY
18 COYLE AND GABE ABOUSHANAB OF STAFF WILL MAKE THE
19 PRESENTATION ON THIS ITEM.

20 MS. COYLE: GOOD MORNING, MR. CHAIRMAN AND
21 MEMBERS. THIS ITEM IS TO UPDATE YOU ON THE STATUS
22 OF THE SIX-MONTH PROBATIONARY STATUS OF INYO COUNTY
23 LOCAL ENFORCEMENT AGENCY BASED ON SOME EVALUATION

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24 CONCERNS THAT WE HAD. THE COMMITTEE AND THE BOARD
25 IN MARCH OF THIS YEAR PLACED INYO COUNTY ON A

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1 SIX-MONTH PROBATIONARY, SO WE'RE BACK TO REPORT ON
2 THAT STATUS.

3 IN ADDITION TO THE SIX-MONTH
4 PROBATIONARY, THERE WAS ALSO A CLAUSE THAT IF THEY
5 FAILED TO TAKE ANY ENFORCEMENT ACTION, WE, THE
6 BOARD, COULD ASSUME THAT ROLE. SO GABE ABOUSHANAB
7 WILL PROVIDE YOU WITH THE UPDATE OF WHERE THEY ARE
8 IN IMPLEMENTING THEIR REQUIRED ACTIONS.

9 MR. ABOUSHANAB: MORNING, CHAIRMAN AND
10 BOARD MEMBERS. I'M GABE ABOUSHANAB, AND AS MARY
11 MENTIONED, STAFF IS HERE BEFORE YOU AS A FOLLOW-UP
12 TO THE MARCH '97 COMMITTEE AND BOARD MEETINGS.

13 INYO COUNTY LEA PERFORMANCE DURING
14 ITS SIX-MONTH PROBATIONARY PERIOD IS SUMMARIZED IN
15 ATTACHMENT 1 OF THIS ITEM. I WOULD LIKE TO DIRECT
16 YOUR ATTENTION TO ATTACHMENT 1, WHICH IS ON PAGE 6
17 OF THE ITEM.

18 BRIEFLY, THE LEA'S OUTSTANDING WORK
19 PLAN TASKS WERE BASED ON THE APPROVED JURISDIC-
20 TIONAL COMPLIANCE PROPOSAL. THEY'RE OUTLINED IN
21 THE FIRST COLUMN. THESE TASKS WERE DISCUSSED BACK
22 IN MARCH, AND THE ORIGINAL COMPLIANCE DATES ARE
23 OUTLINED IN THE FIRST COLUMN. THEN SUBSEQUENT TO

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24 THE MARCH MEETING, THE PROBATIONARY COMPLIANCE
25 DATES ARE OUTLINED IN THE SECOND COLUMN. THEIR

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1 STATUS TO DATE IS THE LAST COLUMN, AND I WILL
2 BRIEFLY GO OVER WHERE THEY STAND.

3 FOR LONE PINE, SITE SECURITY AND SITE
4 ATTENDANT HAVE BEEN ACCOMPLISHED. THE LONE PINE
5 CEQA DOCUMENTATION IS COMPLETE.

6 FOR INDEPENDENCE, SITE SECURITY IS
7 COMPLETE. FOR INDEPENDENCE ALSO, DAILY COVER IS
8 COMPLETE, AND THE SITE ATTENDANT IS COMPLETE TOO.
9 INDEPENDENCE LITTER CONTROL IS IN PLACE AND
10 COMPLETE, AND THE CEQA DOCUMENTATION IS COMPLETED.
11 I'M HAPPY TO SAY THAT FINANCIAL ASSURANCE FOR
12 CLOSURE AND POSTCLOSURE MAINTENANCE WAS APPROVED IN
13 JUNE OF '97.

14 AND SUBSEQUENT TO PREPARING THIS
15 ITEM, I SPOKE WITH THE LEA, AND A NUMBER OF OTHER
16 ACCOMPLISHMENTS ARE HERE TO REPORT. THE BERMS ON
17 BISHOP SITE HAVE BEEN REDUCED TO ABOUT HALF THE
18 SIZE. THOSE HAVE THE BRUSHES AND GREEN WASTE. THE
19 TIRE FENCE WORK IS UNDER WAY. LARGE AND RIM TIRES
20 HAVE BEEN REMOVED. THEY HAVE A NEW PERSON, AND
21 THEY'VE CONTRACTED WITH A TRAILER AT THE GATE TO
22 HAUL AWAY TIRES, SO THERE WILL BE NO MORE TIRES
23 ADDED TO THE EXISTING PILE. THE CHIPPING AND

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24 GRINDING OPERATION WAS MOVED CLOSE TO THE GATE SO
25 THAT COULD BE ACCOMPLISHED ON A DAILY BASIS TO

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1 AVOID ACCUMULATING GREEN WASTE FOR CHIPPING. AND
2 THE BERM METHOD OF OPERATING THE WORKING FACE IS
3 REVISED. NO MORE NEW BERMS TO BE CREATED, AND THE
4 PEOPLE THERE ARE COMPACTING AND COVERING ALL THE
5 TIME TO AVOID LITTER PROBLEMS.

6 AND OUTSIDE THIS LIST OF
7 ACCOMPLISHMENTS, SHOSHONE CLOSURE PLANS WERE
8 SUBMITTED ON TIME, WHICH WAS OCTOBER 1ST.

9 IN ESSENCE, THIS CONCLUDES MY
10 PRESENTATION OF WHAT'S ACCOMPLISHED. MOST OF THE
11 OUTSTANDING TASKS WERE OF THE PERMITTING NATURE,
12 AND ISSUES WERE UNANTICIPATED AND DISCOVERED AS THE
13 PROCESS WENT ALONG. THESE ARE IN SPECIFIC OUTLINE
14 ON PAGE 3 OF THE ITEM UNDER -- I'M SORRY -- IT'S
15 UNDER PAGE 4 OF THE ITEM UNDER KEY ISSUES IF YOU
16 WANT TO KNOW THE PARTICULAR OUTSTANDING ITEMS FOR
17 THE PERMIT RELATED ISSUES.

18 I WILL TURN IT OVER TO MARY TO GO
19 OVER THE NEXT ITEM, WHICH IS, I BELIEVE, RECOMMEN-
20 DATION FOR STAFF UNLESS YOU HAVE QUESTIONS.

21 CHAIRMAN FRAZEE: QUESTIONS?

22 MEMBER JONES: I'LL WAIT TILL I HEAR THE
23 RECOMMENDATIONS.

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24 MS. COYLE: INCLUDED IN THE AGENDA ITEM ON
25 PAGES 2 AND 3 ARE THE OPTIONS AVAILABLE TO THE

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1 COMMITTEE AND BOARD. BASED ON THE STATUS AND ALL
2 THE ACTIVITIES THAT HAVE BEEN DONE IN INYO COUNTY
3 BY THE LEA, WE ARE -- STAFF IS RECOMMENDING THAT
4 THEY BE CONTINUED ON A SIX-MONTH PROBATIONARY LEA
5 STATUS UNTIL APRIL OF '98 SO THAT WE CAN CONTINUE
6 OUR OVERSIGHT AS TO THEIR PROGRESS AND COME BACK
7 AND REPORT TO THE BOARD AT THAT TIME.

8 OUR RESOLUTION THAT WE'RE
9 RECOMMENDING ALSO INCLUDES A STATEMENT THAT IF AT
10 ANY TIME THE LEA FAILS TO TAKE APPROPRIATE
11 ENFORCEMENT ACTION, THE BOARD HAS THE OPTION TO
12 STEP IN AND ASSUME THAT ROLE IF WE FEEL IT'S
13 NECESSARY. THEREFORE, WE RECOMMEND THE BOARD ADOPT
14 RESOLUTION 97-507.

15 CHAIRMAN FRAZEE: AND THE LEA IS PRESENT.
16 MR. KENNEDY, DO YOU HAVE ANY COMMENTS?

17 MR. KENNEDY: I WOULD JUST LIKE TO ADD,
18 AND IT'S PROBABLY SIMILAR TO WHAT I SAID LAST
19 SPRING, IS WORKING WITH YOUR STAFF AND WORKING WITH
20 THIS PROCESS, IT WAS PROBABLY MY IMPRESSION FOR
21 MANY, MANY YEARS IN RURAL INYO COUNTY THAT IT WOULD
22 BE VERY DIFFICULT TO EVER HAVE A PERMIT AND
23 COMPLIANT LANDFILL THROUGHOUT OUR AREA.

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24 I THINK THE PROBATIONARY PERIOD HAS
25 WORKED QUITE WELL. IT'S GONE BEYOND THE SCOPE OF

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1 THE LEA IN INYO COUNTY. THE PROBATION STATUS HAS
2 BEEN RECOGNIZED ON THE COUNTY THROUGH THE PRESS.
3 AND THE COUNTY BOARD OF SUPERVISORS, I TOLD THEM
4 YESTERDAY THIS IS THE FIRST BOARD IN 15 YEARS THAT
5 I'VE BEEN THERE THAT HAS REALLY BIT THE BULLET AND
6 SAID LET'S DEAL WITH THIS SOLID WASTE ISSUE AND
7 LET'S MOVE TOWARDS COMPLIANCE.

8 AND I THINK, AS YOU CAN SEE, THE
9 MAJORITY OF THE ITEMS ARE MOVING ALONG. I THINK
10 WE'RE OVER THE TOP OF THE HILL NOW, STARTING TO
11 COME DOWN THE BACK SIDE, AND I'M VERY HOPEFUL AND
12 OPTIMISTIC FOR ONCE THAT MAYBE BY NEXT SUMMER
13 THINGS WILL BE LOOKING VERY CLOSE TO BEING
14 COMPLETED.

15 CHAIRMAN FRAZEE: OKAY.

16 MEMBER JONES: MR. CHAIRMAN, I WENT TO
17 INYO COUNTY AT THE REQUEST OF MR. KENNEDY AND WAS
18 PRETTY SURPRISED WHEN TWO SUPERVISORS AND THE PRESS
19 AND THE ENTIRE STAFF SHOWED UP FOR OUR EVENT THAT I
20 THOUGHT WAS JUST GOING TO BE A TOUR. THEY HAVE, I
21 THINK, BITTEN THE BULLET, AND I'M MORE AWARE OF THE
22 ISSUES. THEY KIND OF PUT ME -- I THINK MR. KENNEDY
23 KIND OF PUT ME ON THE SPOT BECAUSE HE ASKED FOR

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24 SOME OPERATIONAL TIPS ABOUT HOW SOME THINGS MIGHT
25 BE DONE DIFFERENTLY.

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1 AND THE BERMS ARE -- I MEAN THE
2 THINGS THAT THEY'VE DONE MAKE IT A BETTER FACILITY.
3 I NOTICE THAT WE'RE NOT IN COMPLIANCE ON LONE PINE
4 ON LITTER CONTROL AND DAILY COVER; AND WHILE IT'S
5 PROBABLY NOT MY -- PROBABLY NOT NORMAL FOR ME TO
6 ASK THIS QUESTION, BUT HAS AL BEEN MOVED TO LONE
7 PINE?

8 MR. KENNEDY: I WAS CURIOUS IF THIS ISSUE
9 CAME UP AND HOW I WOULD RESPOND. BUT, YES, HE
10 HAS.

11 MEMBER JONES: BECAUSE I WOULD SUGGEST
12 THAT THE LEA HAS DONE A GOOD JOB OF -- I THINK WE
13 KNEW WHEN WE PUT THIS LEA ON PROBATION THAT THE LEA
14 WAS, IN FACT, DOING HIS JOB, THAT IT WAS FINANCIAL
15 RESTRAINTS AND MAYBE NOT THE WILL OF THE
16 SUPERVISORS TO REALLY FOLLOW THROUGH ON WHAT THOSE
17 ORDERS WERE. AND I THINK YOU'VE DONE A GREAT JOB,
18 AND I THINK YOUR SUPERVISORS HAVE DONE A GREAT JOB
19 IN ATTACKING THAT BULLET.

20 I DO THINK THAT THE COVER ISSUE AND
21 THE LITTER ISSUE IS AN OPERATIONAL ISSUE, AND IT
22 IS -- FOR ANYBODY THAT HAS WORKED IN RURAL
23 CALIFORNIA, WHEN YOU HAVE SOMEBODY THAT HAS BEEN ON

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24 THE LANDFILL FOR 25 YEARS, THEY DO IT THEIR WAY AND
25 NOBODY ELSE KNOWS ANYTHING. AND DON ANDREWS IS

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1 SITTING THERE LAUGHING. THEY -- SO IT'S GOING TO
2 TAKE TIME, BUT I THINK THAT I'M BRINGING THIS
3 FORWARD SO THAT YOU CAN BRING IT BACK TO INYO
4 COUNTY, THAT, YOU KNOW, WE NEED TO CHANGE THE
5 ATTITUDE ON THE PART OF THAT ONE INDIVIDUAL THAT
6 THIS STUFF HAS TO BE DONE. BUT, YOU KNOW, I'M VERY
7 PLEASED WITH WHAT YOU DID. I APPRECIATED THE
8 OPPORTUNITY.

9 I KNOW MR. RELIS ALSO SPENT TIME IN
10 INYO COUNTY, AND IT WAS PRETTY ENLIGHTENING WHEN
11 YOU GET THERE AND YOU SEE THE ISSUES THAT YOU HAVE
12 TO DEAL WITH. BUT I THINK YOU GUYS HAVE DONE A
13 GOOD JOB AND, YOU KNOW, TALK TO AL. SLAP HIM A
14 LITTLE BIT.

15 CHAIRMAN FRAZEE: OKAY. WE HAVE THE
16 RESOLUTION BEFORE US.

17 MEMBER RELIS: WELL, I WAS JUST GOING TO
18 MAKE A FEW ANECDOTAL COMMENTS OUTSIDE THE FORMAL
19 ACTION BECAUSE WHILE I WAS OUT THERE, WE HAD A
20 CHANCE TO DISCUSS THE PROBLEM WITH THE TIRE
21 VIOLATION AND WHAT COULD BE DONE ABOUT IT.

22 AND I WAS GRATIFIED TO HEAR YESTERDAY
23 IN THE BRIEFING THAT IT LOOKS LIKE WE MAY HAVE THE

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24 POSSIBILITY OF UNDERTAKING A LOAN RELATIONSHIP WITH
25 INYO COUNTY TO REMEDIATE THE TIRE PROBLEM IN ONE

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1 FELL SWOOP AND THEN ALSO A PLEDGE OF A REPAYMENT,
2 WHICH WOULD BE A PRECEDENT, I THINK, A GOOD
3 PRECEDENT IN THIS CASE.

4 I WAS STRUCK IN MY TIME OUT THERE
5 JUST WHAT KINDS OF PROBLEMS. YOU ARE 300 MILES OR
6 250 MILES AWAY FROM THE POPULATION CENTERS, AND
7 INYO COUNTY IS ABOUT AS REMOTE IN THAT RESPECT AS
8 ANYPLACE IN CALIFORNIA.

9 I THINK THEY ARE STRUGGLING BECAUSE
10 THEY HAVE A VERY LARGE POPULATION INFLUX. IT'S A
11 TRANSIENT POPULATION ON THE WAY TO DESTINATIONS AND
12 STOPPING OFF, SO THEY HAVE THE IMPACTS OF A MUCH
13 LARGER POPULATION, BUT ALL THE BURDENS OF BEING
14 RURAL. SO I HAVE SOME SYMPATHY FOR THEIR PLIGHT,
15 AND I THINK WE SHOULD DO ALL WE CAN WITH OUR
16 MONIES, IN THIS CASE OUR TIRE MONEY, TO HELP THEM.

17 AND IT'S GRATIFYING TO SEE, LIKE WITH
18 MR. JONES, SEVERAL OF THE SUPERVISORS OUT AND
19 INDICATING THEIR COMMITMENT TO BOTH MORE COMPLETELY
20 FINANCING A SOLID WASTE SYSTEM AND THE WILLINGNESS,
21 MOST IMPORTANTLY, I THINK, TO THIS BOARD, TO
22 PARTNER WITH THE BOARD ON A REPAYMENT SCHEDULE TO
23 SOLVE A MAJOR PROBLEM. SO I WISH THEM WELL.

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24 AND I'M HAPPY TO MOVE THIS ITEM,
25 RECOMMEND THE STAFF RECOMMENDATION IF THAT'S IN

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1 ORDER.

2 CHAIRMAN FRAZEE: YES, UH-HUH. WE HAVE A
3 MOTION ON THE ADOPTION OF RESOLUTION 97-507.

4 MEMBER JONES: I'LL SECOND. THAT'S OPTION
5 6 AND 7.

6 CHAIRMAN FRAZEE: SECRETARY WILL CALL THE
7 ROLL ON THAT, PLEASE.

8 THE SECRETARY: BOARD MEMBER RELIS.

9 MEMBER RELIS: AYE.

10 THE SECRETARY: BOARD MEMBER JONES.

11 MEMBER JONES: AYE.

12 THE SECRETARY: CHAIRMAN FRAZEE.

13 CHAIRMAN FRAZEE: AYE. MOTION IS
14 CARRIED. IF THERE'S NO OBJECTION, WE'LL RECOMMEND
15 THIS FOR CONSENT TO THE FULL BOARD.

16 OKAY. THANK YOU.

17 NOW WE'RE READY TO MOVE TO ITEM 2,
18 WHICH IS THE CONSIDERATION OF A REVISED SOLID WASTE
19 FACILITY PERMIT FOR THE ZANKER ROAD CLASS III
20 LANDFILL IN SANTA CLARA COUNTY.

21 MS. RICE: THANK YOU, MR. CHAIRMAN AND
22 MEMBERS. JON WHITEHILL WILL MAKE THE STAFF
23 PRESENTATION, ASSISTED BY DENNIS FERRIER WITH THE

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24 LOCAL ENFORCEMENT AGENCY.

25 MR. WHITEHILL: GOOD MORNING, MR.

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1 CHAIRMAN, AND COMMITTEE MEMBERS. THE LANDFILL IS
2 LOCATED -- ZANKER ROAD LANDFILL IS LOCATED NEAR THE
3 INTERSECTION OF LOS ESTEROS ROAD AND ZANKER ROAD IN
4 THE CITY OF SAN JOSE. SURROUNDING LAND USE
5 INCLUDES THE SAN JOSE/SANTA CLARA WATER POLLUTION
6 CONTROL PLANT AND SLUDGE DRYING PONDS TO THE EAST,
7 SALT EVAPORATOR PONDS TO THE NORTH AND NORTHWEST,
8 OWENS-CORNING FIBERGLASS WASTE DISPOSAL SITE TO THE
9 WEST, THE INACTIVE NINE-PAR DISPOSAL SITE, WHICH IS
10 NOW DESIGNATED AS WETLANDS, AND THE COMMUNITY OF
11 ALVISO APPROXIMATELY ONE MILE TO THE WEST.

12 THE PERMIT BEFORE YOU IS BEING
13 REVISED TO REFLECT CHANGES IN FACILITY OPERATION
14 AND MORE SPECIFICALLY CONDITIONED SITE DESIGN
15 PARAMETERS. FOR INSTANCE, THE 1985 PERMIT ALLOWED
16 THE LANDFILL TO ACCEPT AN AVERAGE OF 350 TONS OF
17 WASTE PER DAY AND ENCOURAGED RECOVERY OF RECYCLABLE
18 MATERIALS.

19 THE PROPOSED PERMIT ALLOWS THE
20 FACILITY TO RECEIVE A MAXIMUM OF 1300 TONS OF
21 MATERIAL PER DAY, COMPOST 200 TONS OF GREEN
22 MATERIAL PER DAY, AND DISPOSE OF 300 TONS OF WASTE
23 PER DAY.

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24 ADDITIONAL CHANGES THAT ARE PROPOSED
25 OR HAVE OCCURRED SINCE THE SOLID WASTE FACILITY

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1 PERMIT WAS ISSUED IN 1985 INCLUDE AN INCREASE IN
2 THE PERMITTED FILL AREA, THE NAME OF THE OWNER AND
3 OPERATOR HAVE CHANGED, THE ESTIMATED CLOSURE DATE
4 HAS CHANGED FROM 1992 TO 2003. AS I MENTIONED, THE
5 PERMITTED TONNAGE HAS CHANGED. THE PROPOSED PERMIT
6 WILL ALSO MORE SPECIFICALLY CONDITION THE STORAGE
7 AND PROCESSING OF RECYCLABLE MATERIALS AND RESOURCE
8 RECOVERY ACTIVITIES AT THE LANDFILL SUCH AS
9 CONCRETE AND ASPHALT GRINDING, WOODWASTE CHIPPING
10 AND GRINDING, GREEN MATERIAL COMPOSTING, SOIL
11 REMEDIATION, AND CARDBOARD, WALLBOARD, AND METALS
12 RECYCLING.

13 THIS FACILITY IS EXPECTED TO RECOVER
14 BETWEEN 50 AND 90 PERCENT OF THE TOTAL MATERIAL
15 RECEIVED. ALSO, THERE WILL BE A NEW WASTE TIRE
16 STORAGE AREA, AND THE HOURS OF OPERATION WILL
17 CHANGE.

18 AT THE TIME THE COMMITTEE ITEM WAS
19 PREPARED, BOARD STAFF HAD NOT YET RECEIVED THE
20 PROPOSED PERMIT OR MADE ALL THE REQUIRED FINDINGS
21 FOR CONCURRENCE. BOARD STAFF HAVE SINCE BEEN ABLE
22 TO MAKE ALL THE REQUIRED FINDINGS EXCEPT FOR THE
23 INTEGRATED WASTE MANAGEMENT PLAN CONFORMANCE

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24 FINDING.

25 IN ADDITION, THE LEA HAS MADE SOME

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1 CHANGES TO THE PERMIT, INCLUDING A CHANGE IN THE
2 PERMITTED COMPOSTING AREA. AND SOME REGULATORY
3 CITATIONS HAVE CHANGED, AND THE LEA WILL EXPLAIN
4 THAT AT THE END OF MY PRESENTATION.

5 THE LEA AND BOARD STAFF HAVE MADE THE
6 FOLLOWING FINDINGS, THAT THE LEAD AGENCY AND
7 OPERATOR HAVE COMPLIED WITH THE REQUIREMENTS OF THE
8 CALIFORNIA ENVIRONMENTAL QUALITY ACT, THE PROPOSED
9 PERMIT IS CONSISTENT WITH THE STANDARDS ADOPTED BY
10 THE BOARD, THE OPERATION OF THE FACILITY IS
11 CONSISTENT WITH THE APPROVED COUNTY INTEGRATED
12 WASTE MANAGEMENT PLAN.

13 BOARD AND LEA STAFF HAVE DOCUMENTED
14 THAT THE DESIGN AND OPERATION IS IN COMPLIANCE WITH
15 STATE MINIMUM STANDARDS FOR SOLID WASTE HANDLING
16 AND DISPOSAL, AND THE OPERATOR AND THE LEA HAVE
17 FOUND THAT THE OPERATION OF THIS FACILITY IS
18 CONSISTENT WITH THE APPROVED COUNTY INTEGRATED
19 WASTE MANAGEMENT PLAN. AND THE BOARD'S OFFICE OF
20 LOCAL ASSISTANCE WILL CONFIRM THIS FINDING PRIOR TO
21 THE BOARD MEETING.

22 IN CONCLUSION, STAFF HAS REVIEWED THE
23 PROPOSED PERMIT AND SUPPORTING DOCUMENTATION AND

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24 FOUND THEM TO BE ACCEPTABLE, SET FORTH IN THE WASTE
25 MANAGEMENT PLAN WHICH WE'RE WAITING ON. IF STAFF

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1 CONFIRM THE WASTE MANAGEMENT PLAN CONFORMANCE,
2 STAFF WILL RECOMMEND THAT THE BOARD ADOPT
3 RESOLUTION NO. 97-500, CONCURRING IN THE ISSUANCE
4 OF SOLID WASTE FACILITY PERMIT NO. 43-AN-0003, AND
5 THE RESOLUTION WILL BE AVAILABLE AT THE BOARD
6 MEETING WHEN WE HAVE A RECOMMENDATION.

7 DENNIS FERRIER IS ON MY LEFT
8 REPRESENTING THE LEA'S OFFICE. AND ALSO THERE ARE
9 REPRESENTATIVES OF THE OPERATOR IF YOU HAVE ANY
10 QUESTIONS.

11 CHAIRMAN FRAZEE: WISH TO MAKE A
12 STATEMENT?

13 MR. FERRIER: THE CHANGES THAT WE MADE IN
14 THE PERMIT WERE A RESULT OF SOME ERRORS. SOME
15 CITATIONS THAT WERE PREVIOUSLY MADE FOR TITLE 14
16 SECTIONS ACTUALLY CHANGED AND WERE TITLE 27
17 SECTIONS. THEY WERE DEFINITIONAL CHANGES. THOSE
18 WERE CORRECTED IN THE COPY THAT WE SENT LAST WEEK
19 FOR THE BOARD.

20 THE OTHER CHANGE WAS AN ERROR. WE
21 HAD CITED -- WE HAD CITED ON THE KEY DESIGN
22 PARAMETERS THAT THE COMPOSTING AREA WAS 12 ACRES.
23 IT'S ACTUALLY 6 ACRES. THEY HAD NOTED IN THEIR

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24 ENVIRONMENTAL DOCUMENT THAT THEY WOULD IN THE
25 FUTURE POSSIBLY BE EXPANDING TO ANOTHER 6 ACRES.

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1 BUT THERE WAS A PROVISION THAT ADDITIONAL
2 ENVIRONMENTAL REVIEW WOULD BE NECESSARY IF THEY
3 WERE TO EXPAND TO AN ADDITIONAL 6 ACRES. SO WE
4 CHANGED THAT TO THE 6 ACRES THAT ARE CURRENTLY
5 SUPPORTED IN THE ENVIRONMENTAL DOCUMENT, AND THOSE
6 WERE THE ONLY CHANGES, I BELIEVE, THAT CAME ABOUT.

7 THE OPERATOR OVER THE LAST FIVE YEARS
8 HAS MADE A CONCERTED EFFORT TO MAKE COMMITMENT AND
9 TIME AND CERTAINLY MONEY AND ENGINEERING RESOURCES
10 TO DEVELOP A COMPREHENSIVE, ACCURATE PLAN FOR THE
11 SITE. THE RDSI IS PROBABLY, IN MY EXPERIENCE, ONE
12 OF THE MOST COMPLETE AND ACCURATE DOCUMENTS I'VE
13 EVER REVIEWED FOR A LANDFILL OPERATION. YOU CAN
14 LITERALLY PICK IT UP AND TELL EXACTLY WHAT'S GOING
15 ON AT THE SITE, AND THEY DO HAVE PLANS THAT OUTLINE
16 THE OPERATION OF THE SITE OUT THROUGH AT LEAST
17 EIGHT YEARS.

18 AND I JUST WANTED TO SAY THAT
19 PURSUANT TO THE EARTHQUAKE IN 1989, THEY HAD
20 RECEIVED A LOT OF THE DEMOLITION DEBRIS FROM THAT
21 CATASTROPHE, AND THEY RECYCLED VIRTUALLY 90 PERCENT
22 OF THE MATERIAL THAT GOES THROUGH THEIR GATES. THE
23 PERMIT ALLOWS THEM TO DISPOSE OF 300 TONS A DAY,

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24 BUT IT'S VERY SELDOM WHERE THEY GO ABOVE A HUNDRED
25 TONS A DAY. THE REST OF THE MATERIAL IS GROUND UP,

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1 REPROCESSED. AND THEY'RE PROBABLY UNIQUE IN THE
2 FACILITIES IN CALIFORNIA IN THAT THEY FIND MARKETS
3 FOR VIRTUALLY EVERYTHING DOWN TO SHEETROCK AND
4 OTHER MATERIALS.

5 SO WE'RE VERY HAPPY TO BRING THIS
6 PERMIT UP HERE TODAY AND GET THEM CAUGHT UP. THERE
7 WERE CHANGES IN OPERATORS IN THE PAST. THEY HAD
8 SOME ADDITIONAL ENVIRONMENTAL REVIEW WORK THAT WAS
9 DONE IN 1990 AND 1991 THAT UPDATED THE ABILITY TO
10 DO RECYCLING AND COMPOSTING AT THE SITE. AND THAT
11 TOGETHER WITH BASICALLY A 12-INCH DOCUMENT FOR
12 THEIR RDSI HAS COMPLETED THIS EFFORT, AND I WANTED
13 TO THANK BOTH THE OPERATOR AND GRACE ENVIRONMENTAL
14 FOR ALL THE HARD WORK AND COMMITMENT THAT WENT INTO
15 DOING THIS. IT WAS A BIG JOB.

16 THEY HAD TO BASICALLY TAKE OVER AN
17 OPERATION AND REPROCESS AND MOVE A LOT OF MATERIAL
18 FROM THE EARTHQUAKE THAT HAD BEEN STORED THERE.
19 AND TODAY THEIR SITE IS IN COMPLIANCE, AND WE'VE
20 GOT AN OPERATION THAT'S REALLY AN ASSET IN
21 RECYCLING IN THE BAY AREA.

22 CHAIRMAN FRAZEE: OKAY.

23 MEMBER RELIS: MR. CHAIR, I WOULD ECHO

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24 THAT. I THINK ZANKER, I FOLLOWED THIS FACILITY
25 OVER THE YEARS. I THINK IT'S A PIONEERING FACILITY

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1 REALLY IN THE STATE AND SEEMS TO HAVE EVOLVED ALONG
2 WITH THE NEEDS. THE FACT THAT IT CAN HANDLE
3 CONSTRUCTION AND DEMOLITION DEBRIS AS WELL AS
4 ORGANICS IN A CONFINED, URBANIZED LOCATION IS, I
5 THINK, OF CRITICAL IMPORTANCE TO THE STATE AND THAT
6 PORTION OF THE STATE IN REACHING OUR 939
7 OBJECTIVES. SO I WHOLEHEARTEDLY SUPPORT THIS
8 PERMIT.

9 MEMBER JONES: I ECHO WHAT MR. RELIS SAYS.
10 THAT WAS -- THROUGH ONE OF THOSE OWNERSHIP CHANGES,
11 THAT WAS ONE OF OUR COMPANIES. ACTUALLY WE WERE
12 THE ONES DELIVERING THE WASTE TO THAT LANDFILL
13 DURING THE EARTHQUAKE. AND I THINK DAN RATHER
14 CALLED US THE RESCUERS OF THE MEMORIES BECAUSE OF
15 THE EFFORTS THAT WERE PUT IN BY THE PEOPLE AT
16 ZANKER ROAD.

17 IF -- I MEAN ALL WE'RE WAITING FOR IS
18 THE CIWMP?

19 MR. DIER: MR. JONES, YES, THAT'S ALL
20 WE'RE WAITING FOR IS FROM OFFICE OF LOCAL
21 ASSISTANCE TO VERIFY THE CIWMP CONFORMANCE. SO
22 STAFF WOULD RECOMMEND THAT THIS BE PLACED ON
23 CONSENT. AND IF THERE IS ANY ISSUE WITH THAT, WE

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24 WOULD CERTAINLY ASK THAT THE BOARD BRING IT OFF

25 CONSENT IN A COUPLE OF WEEKS.

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1 CHAIRMAN FRAZEE: WE CAN DO IT THAT WAY, I
2 GUESS. CAN WE?

3 MEMBER RELIS: CONDITIONAL CONSENT.

4 MS. TOBIAS: I GUESS MY PREFERENCE WOULD
5 BE --

6 CHAIRMAN FRAZEE: WE MOVE IT TO THE BOARD
7 WITHOUT RECOMMENDATION. THAT WAS GOING TO BE MY
8 SUGGESTION.

9 MEMBER JONES: OKAY. THEN I WILL MOVE
10 THAT THIS PERMIT -- I WANT TO MOVE THAT THIS PERMIT
11 BE APPROVED AND CONDITIONAL THAT IT CONFORMS WITH
12 THE CIWMP.

13 MEMBER RELIS: SECOND THAT.

14 CHAIRMAN FRAZEE: OKAY. WE HAVE A MOTION
15 AND SECOND THAT THIS PERMIT BE CONDITIONALLY
16 APPROVED AND FORWARDED TO THE BOARD FOR FINAL
17 CONSIDERATION. THE SECRETARY WILL CALL THE ROLL ON
18 THAT, PLEASE.

19 THE SECRETARY: BOARD MEMBER RELIS.

20 MEMBER RELIS: AYE.

21 THE SECRETARY: BOARD MEMBER JONES.

22 MEMBER JONES: AYE.

23 THE SECRETARY: CHAIRMAN FRAZEE.

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24 CHAIRMAN FRAZEE: AYE. MOTION IS
25 CARRIED.

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1 NOW WE'RE READY FOR ITEM 3, THE
2 CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT
3 FOR THE ROBERT A. NELSON TRANSFER STATION AND
4 MATERIAL RECOVERY FACILITY IN RIVERSIDE COUNTY.
5 STAFF REPORT, PLEASE.

6 MS. RICE: THANK YOU, MR. CHAIRMAN. DAVE
7 OTSUBO WILL MAKE THE STAFF REPORT ASSISTED BY
8 LAURIE HOLK WITH THE LOCAL ENFORCEMENT AGENCY FOR
9 RIVERSIDE COUNTY.

10 MR. OTSUBO: HI. GOOD MORNING, MR. FRAZEE
11 AND MEMBERS OF THE COMMITTEE. ITEM 3 REGARDS
12 CONSIDERATION OF THE ISSUANCE OF A NEW SOLID WASTE
13 FACILITY PERMIT FOR THE ROBERT A. NELSON TRANSFER
14 STATION AND MATERIALS RECOVERY FACILITY. THIS SITE
15 IS LOCATED IN UNINCORPORATED AREA OF THE COUNTY
16 NEAR THE CITY OF RIVERSIDE. THE FACILITY WILL BE
17 LOCATED -- WOULD BE LOCATED ON 12.5 ACRES AND
18 ACCEPT UP TO 2700 TONS PER DAY OF SOLID WASTE.

19 THE OPERATOR IS BURRTEC WASTE
20 INDUSTRIES, AND THE FACILITY IS LOCATED WITHIN AN
21 RMDZ.

22 AT THE TIME THAT THE COMMITTEE ITEM
23 WAS WRITTEN, STAFF HAD YET TO CONFIRM THE LEA'S

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24 FINDINGS OF CONFORMANCE WITH THE COUNTY SOLID WASTE
25 MANAGEMENT PLAN, CONSISTENCY WITH THE GENERAL PLAN,

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1 AND HAD NOT DETERMINED THE ADEQUACY OF CEQA
2 DOCUMENTATION.

3 THESE FINDINGS HAVE SINCE BEEN MADE,
4 AND, THEREFORE, STAFF RECOMMEND THAT THE BOARD
5 ADOPT RESOLUTION 97-501, CONCURRING IN THE ISSUANCE
6 OF SOLID WASTE FACILITY PERMIT 33-AA-0258. AND I
7 ASSUME THE RESOLUTIONS HAVE BEEN PASSED OUT TO YOU.

8 CHAIRMAN FRAZEE: YES, WE DO HAVE THEM.

9 MR. OTSUBO: AND THIS CONCLUDES STAFF'S
10 PRESENTATION.

11 CHAIRMAN FRAZEE: LEA HAVE ANY COMMENTS?

12 MS. HOLK: YES. THANK YOU, CHAIRMAN
13 FRAZEE. LAURIE HOLK, RIVERSIDE COUNTY LEA.

14 THIS FACILITY, ALONG WITH THE MORENO
15 VALLEY FACILITY, WILL THEN COVER THE WEST END OF
16 RIVERSIDE COUNTY AS FAR AS TRANSFER STATION GOES.
17 AND THERE IS A POSSIBILITY THAT THIS TRANSFER
18 FACILITY WILL ALSO BE ABLE TO SERVE AS AN ABAP OR A
19 SITE FOR HOUSEHOLD HAZARDOUS WASTE PROGRAM ALSO.

20 CHAIRMAN FRAZEE: OKAY. WE HAVE A REQUEST
21 FROM ROBERT A. NELSON TO SPEAK ON THIS ITEM.

22 MEMBER RELIS: HOPEFULLY HE'S NOT GOING TO
23 WITHDRAW HIS NAME.

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24 MR. NELSON: MR. CHAIRMAN, MEMBERS OF THE
25 BOARD, BOB NELSON HERE. I JUST WANT TO SPEAK IN

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1 SUPPORT OF THE PERMIT FOR THE PROJECT. THIS DOES
2 SERVE THE CITY OF RIVERSIDE POPULATION, IMPORTANT
3 ELEMENT OF THE INFRASTRUCTURE IN THE WASTE HANDLING
4 SYSTEM IN THE WESTERN PART OF RIVERSIDE COUNTY, SO
5 WE WOULD URGE YOUR SUPPORT.

6 CHAIRMAN FRAZEE: QUESTIONS OR DISCUSSION?

7 MEMBER RELIS: I'LL MOVE CONCURRENCE.

8 MEMBER JONES: I'LL SECOND.

9 CHAIRMAN FRAZEE: WE HAVE A MOTION AND A
10 SECOND ON THE ADOPTION OF RESOLUTION 97-501.
11 SECRETARY WILL CALL THE ROLL ON THAT, PLEASE.

12 THE SECRETARY: BOARD MEMBER RELIS.

13 MEMBER RELIS: AYE.

14 THE SECRETARY: BOARD MEMBER JONES.

15 MEMBER JONES: AYE.

16 THE SECRETARY: CHAIRMAN FRAZEE.

17 CHAIRMAN FRAZEE: AYE. MOTION IS
18 CARRIED. AND WITHOUT OBJECTION, WE'LL RECOMMEND
19 CONSENT ON THAT ITEM.

20 NOW, ITEM 4, WHICH IS THE CONSIDERA-
21 TION OF THE ISSUANCE OF A REVISED SOLID WASTE
22 FACILITY PERMIT FOR THE BLYTHE SANITARY LANDFILL IN
23 RIVERSIDE COUNTY.

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24 MR. OTSUBO: HI AGAIN. I'M DAVID OTSUBO
25 WITH THE PERMITTING AND INSPECTIONS BRANCH. ITEM 4

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1 REGARDS CONSIDERATION OF A REVISED SOLID WASTE
2 FACILITY PERMIT FOR THE BLYTHE SANITARY LANDFILL.

3 THIS FACILITY IS LOCATED SIX MILES
4 NORTH OF THE CITY OF BLYTHE, IS ACTIVE AND
5 OPERATING UNDER ITS ORIGINAL PERMIT ISSUED IN
6 1979. THIS FACILITY IS CURRENTLY ON THE
7 SIGNIFICANT CHANGE LIST; AND IF A NEW PERMIT IS
8 ISSUED, THIS WOULD REMOVE THE SITE FROM THIS LIST.

9 THE PROPOSED PERMIT WOULD ESTABLISH A
10 335-ACRE SITE, 78 FOR LANDFILLING. THE MAXIMUM
11 ELEVATION WOULD BE 525 FEET AND ESTIMATED CLOSURE
12 OF 2034 AND WOULD INCREASE THE PERMITTED TONNAGE
13 FROM 55 TONS PER DAY TO A MAXIMUM OF 400 TONS PER
14 DAY. THE SITE IS OWNED AND OPERATED BY THE WASTE
15 RESOURCES MANAGEMENT DISTRICT.

16 AT THE TIME THAT BOTH THE COMMITTEE
17 AND BOARD ITEMS WERE WRITTEN, STAFF HAD NOT YET HAD
18 AN OPPORTUNITY TO VERIFY THE LEA'S FINDINGS OF
19 CONFORMANCE WITH THE COUNTY SOLID WASTE MANAGEMENT
20 PLAN, CONSISTENCY WITH THE COUNTY GENERAL PLAN, TO
21 CONDUCT A JOINT INSPECTION WITH THE LEA, OR VERIFY
22 THAT FINANCIAL ASSURANCE DOCUMENTATION WAS IN
23 ORDER.

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24 IN THE INTERIM STAFF HAVE CONDUCTED
25 AN INSPECTION WITH THE LEA THAT THE DID NOT

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1 IDENTIFY ANY VIOLATIONS OF STATE MINIMUM STANDARDS,
2 HAVE VERIFIED THE SOLID WASTE MANAGEMENT PLAN AND
3 GENERAL PLAN FINDINGS OF THE LEA, AND HAVE
4 DETERMINED THAT THE FUNDING FOR CLOSURE-POSTCLOSURE
5 MAINTENANCE AND OPERATING LIABILITY ARE IN ORDER.

6 THEREFORE, STAFF RECOMMEND THAT THE
7 BOARD ADOPT RESOLUTION 97-502, CONCURRING IN THE
8 ISSUANCE OF SOLID WASTE FACILITY PERMIT
9 33-AA-0017. AND THIS CONCLUDES MY PRESENTATION.

10 CHAIRMAN FRAZEE: OKAY.

11 MS. HOLK: NOTHING.

12 CHAIRMAN FRAZEE: MR. NELSON, THIS ONE.

13 MR. NELSON: MR. CHAIRMAN, MEMBERS OF THE
14 BOARD, AGAIN BOB NELSON, GENERAL MANAGER FOR THE
15 RIVERSIDE COUNTY WASTE DISTRICT.

16 THIS IS THE LAST LANDFILL IN OUR
17 SYSTEM OF ABOUT A DOZEN LANDFILLS TO HAVE ITS
18 PERMIT UPDATED. WE'VE BEEN WORKING WITH YOUR STAFF
19 AND THE LEA FOR SEVERAL YEARS TO GET THIS ONE
20 FINALIZED.

21 THE SITE NOW AVERAGES ABOUT 75 TONS A
22 DAY AND HAS MAYBE 45 TO 50 CUSTOMERS ON THE AVERAGE
23 AND SERVES THE TOWN OF BLYTHE AS WELL AS THE

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24 AGRICULTURAL COMMUNITIES AROUND THAT TOWN AND A
25 VERY SMALL AMOUNT THAT COMES IN FROM ARONBERG,

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1 ARIZONA, IMMEDIATELY ACROSS THE RIVER.

2 WE ARE ABOUT TO GO TO BID ON A
3 LANDFILL GAS EXTRACTION SYSTEM. I DON'T KNOW IF
4 THAT BEARS ON YOUR DECISION, BUT JUST BY WAY OF
5 INFORMATION, THAT'S ANOTHER PIECE OF DATA THAT I'LL
6 THROW IN THE PICTURE. WE WOULD URGE YOUR SUPPORT
7 AND APPROVAL OF THIS PERMIT.

8 CHAIRMAN FRAZEE: DO YOU HANDLE WASTE FROM
9 THE PRISONS?

10 MR. NELSON: YES. YES, THEY HAVE QUITE AN
11 EXTENSIVE RECYCLING PROCESS ON SITE WHICH HELPS A
12 LOT AND THEN THE RESIDUAL COMES TO THIS LANDFILL.

13 CHAIRMAN FRAZEE: THAT ANSWERS MY QUESTION
14 BEFORE I ASK IT.

15 MEMBER RELIS: MR. CHAIR, I JUST WANTED TO
16 MAKE A COMMENT. THIS WON'T AFFECT MY VOTE. IN THE
17 STAFF WRITE-UP ON PAGE 17 OR PAGE 2 OF THE ITEM,
18 THE BOTTOM OF THE PAGE, THERE'S A STATEMENT "NEW
19 DISPOSAL OCCURS ON TOP OF THE EXISTING FOOTPRINT,
20 ELIMINATING THE NEED FOR AN EXPENSE BUILDING NEW
21 LINED CELLS." I KNOW THERE ARE GOING TO BE A
22 NUMBER OF FACILITIES THAT WE'RE GOING TO SEE HERE.
23 I'VE SPOKEN ON THIS ISSUE BEFORE.

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24 I DO HAVE A CERTAIN DEGREE OF
25 DISCOMFORT WITH THAT SORT OF PRESENTATION IN THE

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1 SENSE THAT SUBTITLE D IN THE SPIRIT OF IT, I
2 BELIEVE, WAS TO LOOK TO A LINER-TYPE SYSTEM IN OUR
3 STATE AND NOT STRICTLY AT THE ISSUE OF EXPENSE ON
4 AVOIDING LINERS. I'M NOT SAYING THAT'S OCCURRING
5 HERE AND THAT THERE'S A WATER PROBLEM HERE, BUT I
6 CONTINUE TO HAVE SOME UNEASE OVER VERTICAL
7 EXPANSIONS ON UNLINED LANDFILLS. IT'S ALLOWED.
8 IT'S A WATER ISSUE.

9 I HOPE THE WATER BOARDS ARE DOING
10 THEIR JOB BECAUSE WE DON'T HAVE ANY OVERSIGHT OVER
11 THIS ANYMORE. BUT I JUST FEEL THE NEED TO MAKE
12 THAT STATEMENT.

13 CHAIRMAN FRAZEE: OKAY.

14 MEMBER JONES: MR. CHAIRMAN.

15 CHAIRMAN FRAZEE: QUESTIONS OR DISCUSSION?

16 MEMBER JONES: I DON'T HAVE ANY QUESTIONS.

17 I'D LIKE TO MOVE RESOLUTION 97-502.

18 MEMBER RELIS: SECOND.

19 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
20 SECOND ON THE ADOPTION OF 97-502. SECRETARY WILL
21 CALL THE ROLL ON THAT ONE.

22 THE SECRETARY: BOARD MEMBER RELIS.

23 MEMBER RELIS: AYE.

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24 THE SECRETARY: BOARD MEMBER JONES.

25 MEMBER JONES: AYE.

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1 THE SECRETARY: CHAIRMAN FRAZEE.

2 CHAIRMAN FRAZEE: AYE. MOTION IS
3 CARRIED. IF THERE'S NO OBJECTION TO CONSENT ON
4 THAT ONE, WE'LL RECOMMEND THAT ONE FOR CONSENT.

5 NOW, ITEM 5 IS THE CONSIDERATION OF
6 THE ISSUANCE OF A REVISED SOLID WASTE FACILITY
7 PERMIT FOR THE EDM HILL SANITARY LANDFILL IN
8 RIVERSIDE COUNTY. STAFF REPORT, PLEASE.

9 MR. OTSUBO: THIS FACILITY IS LOCATED NEAR
10 THE CITY OF PALM SPRINGS ADJACENT TO THE CLOSED
11 WHITEFEATHER FARMS COMPOST FACILITY AT THE BOUNDARY
12 OF CATHEDRAL CITY. IT IS ALSO OWNED BY THE WASTE
13 RESOURCES MANAGEMENT DISTRICT ON LAND -- IT'S
14 OPERATED BY WASTE RESOURCES MANAGEMENT DISTRICT ON
15 LAND OWNED BY THE BUREAU OF LAND MANAGEMENT.

16 ITS CURRENT PERMIT WAS ISSUED IN
17 1992. THE PROPOSED PERMIT WOULD ALLOW THE SITE TO
18 INCREASE PERMITTED TONNAGE FROM 1200 TO 2651 TONS
19 PER DAY, INCREASE ITS MAXIMUM ELEVATION BY 40 FEET,
20 INCREASE THE FACILITY SIZE BY 15 ACRES. IT ALSO
21 REDUCES -- ACTUALLY REDUCES THE PERMITTED DISPOSAL
22 FOOTPRINT FROM 400 TO 148 ACRES.

23 THE OPERATOR WISHES THE INCREASED THE

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24 TONNAGE TO ACCEPT WASTE FORMERLY GOING TO THE NOW
25 CLOSED COACHELLA LANDFILL.

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1 A STIPULATED ORDER OF COMPLIANCE WAS
2 ISSUED ON OCTOBER 22D, ALLOWING THE SITE TO ACCEPT
3 MORE THAN THE 1200 TONS PER DAY IN THE INTERIM. IT
4 GIVES THE OPERATOR UNTIL JULY 31, 1998, TO OBTAIN A
5 REVISED PERMIT. IT SHOULD BE NOTED THAT THE SITE
6 IS LOCATED ON THE MAIN SOUTHERN BRANCH OF THE SAN
7 ANDREAS FAULT.

8 AT THE TIME BOTH THE COMMITTEE AND
9 BOARD ITEMS WERE WRITTEN, STAFF HAD NOT YET
10 VERIFIED THE LEA'S FINDING OF CONFORMANCE WITH
11 PUBLIC RESOURCES CODE 50000 AND 50000.5, THE SITE'S
12 COMPLIANCE WITH STATE MINIMUM STANDARDS, THE
13 ADEQUACY OF THE CEQA DOCUMENTATION, OR ADEQUACY OF
14 THE FINANCIAL ASSURANCE REQUIREMENTS.

15 SINCE STAFF OF THE BOARD'S OFFICE OF
16 LOCAL ASSISTANCE HAVE VERIFIED CONFORMANCE WITH THE
17 COUNTY SOLID WASTE MANAGEMENT PLAN, GENERAL PLAN,
18 AND ADJACENT LAND USES. ON OCTOBER 30TH PERMITTING
19 AND INSPECTION BRANCH STAFF CONDUCTED A JOINT
20 INSPECTION OF THE SITE WITH THE LEA AND NOTED NO
21 VIOLATIONS OF STATE MINIMUM STANDARDS.

22 FINANCIAL ASSURANCE STAFF HAVE
23 DETERMINED THAT THE FUNDING FOR CLOSURE-POSTCLOSURE

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24 MAINTENANCE AND OPERATING LIABILITY DOCUMENTATION
25 ARE IN ORDER. ENVIRONMENTAL REVIEW SECTION STAFF

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1 HAD REVIEWED AND COMMENTED ON THE DRAFT EIR, HAVE
2 RECENTLY REVIEWED THE FINAL EIR, AND BELIEVE THAT
3 THE LEAD AGENCY HAS MADE THE REQUIRED CEQA FINDINGS
4 AND RESPONDED TO STAFF COMMENTS.

5 THEREFORE, ENVIRONMENTAL REVIEW STAFF
6 HAVE DETERMINED THAT THE CEQA DOCUMENTATION IS
7 ADEQUATE FOR BOARD CONSIDERATION FOR THOSE PROJECT
8 ACTIVITIES WHICH ARE WITHIN THIS AGENCY'S
9 JURISDICTION. PLEASE NOTE THAT CATHEDRAL CITY HAS
10 CHALLENGED THE ADEQUACY OF THE EIR, AND NO ACTION
11 HAS YET BEEN TAKEN IN THAT MATTER.

12 IN ADDITION, THE LEA HAS MADE THE
13 REQUIRED FINDINGS, THAT THE PROPOSED PERMIT IS
14 CONSISTENT WITH EXISTING CEQA DOCUMENTATION. STAFF
15 RECOMMEND THAT THE BOARD ADOPT RESOLUTION 97-503,
16 CONCURRING IN THE ISSUANCE OF SOLID WASTE FACILITY
17 PERMIT 33-AA-0011. AND THIS CONCLUDES MY
18 PRESENTATION.

19 CHAIRMAN FRAZEE: OKAY.

20 MS. HOLK: THANK YOU, CHAIRMAN. ABOUT THE
21 TIME THE COACHELLA LANDFILL WAS CLOSING, THERE WERE
22 THREE TRANSFER STATION PROJECTS THAT WERE GOING ON
23 IN THE COACHELLA VALLEY TO HELP ALLEVIATE SOME OF

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24 THAT PROBLEM. IN THE MEANTIME THE COACHELLA VALLEY
25 ASSOCIATION OF GOVERNMENT TRANSFER STATION PROJECT

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1 HAS STALLED AND IS NO LONGER GOING FORWARD.

2 THE TRANSFER STATION FOR THE CITY OF
3 INDIO IS AT THE EIR STAGE, AND THERE IS LOCAL
4 OPPOSITION TO THAT FACILITY.

5 THIS BOARD PERMITTED THE COACHELLA
6 TRANSFER STATION AT THE SITE, AND THE CITY OF
7 COACHELLA AND THE WASTE MANAGEMENT DISTRICT ARE
8 STILL WORKING ON TRYING TO GET THAT FACILITY UP.
9 SO AS OF TODAY, THERE ARE NO TRANSFER STATIONS TO
10 TAKE ANY OF THE WASTE THAT IS CURRENTLY GOING TO
11 EDOM HILL.

12 IT IS THE ONLY REMAINING LARGE
13 CAPACITY LANDFILL IN THE AREA. THEY ARE CURRENTLY
14 EXCEEDING THEIR TONNAGES AND HAVE BEEN ISSUED A
15 STIPULATED ORDER OF COMPLIANCE TO GET A NEW PERMIT
16 AND ARE BEING CONTINUED TO BE VIOLATED FOR THAT
17 TONNAGE.

18 THIS REVISED PERMIT WOULD ALLEVIATE
19 THAT VIOLATION. EXTRA EQUIPMENT AND PERSONNEL WAS
20 MOVED FROM THE COACHELLA LANDFILL TO EDOM HILL
21 LANDFILL TO COVER THE INCREASE IN TONNAGE, AND
22 CURRENTLY THE INCREASE IN TONNAGE IS BEING HANDLED
23 WITH NO PROBLEMS.

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24 CHAIRMAN FRAZEE: OKAY.

25 MEMBER RELIS: I'M JUST WONDERING WAS

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1 ANYONE HERE? I RECEIVED SOME TIME AGO, I THINK WE
2 ALL DID, A LETTER FROM CATHEDRAL CITY. I DON'T
3 KNOW IF ANYONE IS HERE. I'M SURPRISED IF THEY'RE
4 AS CONCERNED AS THEY ARE THAT THEY AREN'T HERE.

5 CHAIRMAN FRAZEE: WE DO NOT HAVE A SPEAKER
6 SLIP.

7 MS. TOBIAS: I DID TALK TO THEIR ATTORNEY
8 THIS WEEK. HE SAID THEY WOULD PROBABLY BE GOING TO
9 THE BOARD MEETING, THAT THEIR REQUEST WAS THAT THE
10 COMMITTEE POSTPONE THIS HEARING UNTIL SUCH TIME AS
11 THEIR CEQA LAWSUIT IS RESOLVED.

12 I DISCUSSED WITH THEM, THAT WE HAVE
13 AN OBLIGATION AS THE RESPONSIBLE AGENCY TO CONTINUE
14 AND TO ISSUE OUR PERMIT; THAT IF THE UNDERLYING
15 CEQA INFORMATION WAS INVALIDATED, THEN OUR PERMIT
16 WOULD BE VOID AND THEY WOULD HAVE TO GO BACK
17 THROUGH THE PROCESS.

18 MY UNDERSTANDING IS THAT IF THEY DO
19 APPEAR, THEY WILL BE AT THE BOARD HEARING.

20 CHAIRMAN FRAZEE: MR. NELSON.

21 MR. NELSON: BOB NELSON AGAIN. MR.
22 CHAIRMAN AND MEMBERS OF THE BOARD, THIS IS, AS HAS
23 BEEN DESCRIBED, OUR ONLY REMAINING OUTLET IN THE

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24 COACHELLA VALLEY. THAT AREA HAS 250, 300,000
25 PEOPLE, AND THEY ARE NOW TAKING ALL OF THEIR WASTE

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1 BY DIRECT HAUL TO THIS SITE. SO IT IS CRITICALLY
2 URGENT TO US TO GET THE PERMIT APPROVED, AND WE DO
3 CONTINUE TO WORK WITH THE CITIES TRYING TO DEVELOP
4 A TRANSFER STATION TO BE ABLE TO MOVE WASTE OUT OF
5 THE VALLEY.

6 EVEN WITH THIS PERMIT APPROVAL, IT
7 ADDS ONLY TWO YEARS TO THAT SITE LIFE AT THIS
8 LANDFILL. SITE LIFE IS ABOUT FOUR TO FOUR AND A
9 HALF YEARS WITHOUT THIS AND MAYBE SIX TO SIX AND A
10 HALF WITH IT.

11 WE ARE HOPING TO GET A TRANSFER
12 STATION PROJECT UP AND UNDER WAY DURING THE NEXT --
13 HOPEFULLY NEXT FEW MONTHS. AS THINGS GO WITH THESE
14 KINDS OF PROJECTS, IT MAY TAKE LONGER THAN THAT AND
15 THEN BE ABLE TO MOVE SOME OF THE WASTE OUT OF THE
16 VALLEY.

17 SO WE DO HAVE STAFF HERE FROM OUR
18 CONSULTANTS WHO DID THE ENGINEERING WORK ON THE
19 DESIGN. DON ANDREAS WITH EMCON IS HERE, AS WELL AS
20 DON HAYNES, WHO WORKED WITH US ON THE ENVIRONMENTAL
21 IMPACT REPORT. WE ALSO HAVE DON MADDOX OF REMY
22 THOMAS, WHO IS OUR LEGAL ADVISOR DEALING WITH THE
23 CHALLENGE BY THE CITY OF CATHEDRAL CITY. IF YOU

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24 NEED TO TALK TO ANY OF THEM ABOUT ISSUES THAT THEY
25 HAVE DEALT WITH, WE'D BE HAPPY TO HAVE THEM COME

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1 FORWARD. BUT SHORT OF THAT, I WOULD SIMPLY URGE
2 YOUR APPROVAL OF THIS PERMIT. THANK YOU.

3 CHAIRMAN FRAZEE: THANK YOU. QUESTIONS?

4 MEMBER JONES: I'LL MOVE WE ADOPT
5 RESOLUTION 97-503.

6 MEMBER RELIS: MR. CHAIR, I'LL SECOND
7 THAT, VOICING MY EARLIER CONCERN OVER A MAJOR
8 EXPANSION OVER AN UNLINED LANDFILL, BUT IT'S A
9 WATER BOARD ISSUE.

10 CHAIRMAN FRAZEE: OKAY. WE HAVE A MOTION
11 AND SECOND ON THE ADOPTION OF RESOLUTION 97-503.
12 WILL THE SECRETARY CALL THE ROLL ON THAT.

13 THE SECRETARY: BOARD MEMBER RELIS.

14 MEMBER RELIS: AYE.

15 THE SECRETARY: BOARD MEMBER JONES.

16 MEMBER JONES: AYE.

17 THE SECRETARY: CHAIRMAN FRAZEE.

18 CHAIRMAN FRAZEE: AYE. MOTION IS
19 CARRIED. BECAUSE OF THE POTENTIAL FOR FURTHER
20 OPPOSITION, I THINK THIS ONE SHOULD BE MOVED TO THE
21 BOARD FOR FURTHER CONSIDERATION.

22 NOW WE'RE READY FOR ITEM 6, THE
23 CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT

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24 FOR THE MUSTANG HILL LANDFILL IN KINGS COUNTY.

25 MS. POROLI: GOOD MORNING. I 'M BEATRICE

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1 POROLI WITH THE PERMITS BRANCH. THE OWNER AND THE
2 OPERATOR OF THE MUSTANG HILL LANDFILL IS KINGS
3 WASTE AND RECYCLING AUTHORITY. MR. MICHAEL ADAMS
4 IS THE EXECUTIVE DIRECTOR.

5 THE PROPOSED PERMIT IS FOR THE
6 OPERATION OF A NEW LANDFILL TO BE LOCATED ON 340
7 ACRES WITH A 74-ACRE DISPOSAL FOOTPRINT. THE
8 PROPOSED LANDFILL WILL RECEIVE A MAXIMUM OF 500
9 TONS PER DAY OF NONHAZARDOUS RESIDENTIAL,
10 COMMERCIAL, AND INDUSTRIAL WASTE FROM KINGS
11 COUNTY. THE LIFE OF THE LANDFILL IS ESTIMATED TO
12 BE 85 YEARS.

13 STAFF REVIEWED THE PROPOSED PERMIT
14 AND SUPPORTING DOCUMENTATION AND HAVE FOUND THAT IT
15 MEETS ALL OF THE REQUIREMENTS ON PAGE 29 OF YOUR
16 PACKAGE AND ACCEPTABLE FOR CONSIDERATION BY THE
17 BOARD.

18 IN CONCLUSION, STAFF RECOMMEND THAT
19 THE BOARD ADOPT SOLID WASTE FACILITY PERMIT
20 DECISION NO. 97-483, CONCURRING WITH THE ISSUANCE
21 OF SOLID WASTE FACILITY PERMIT NO. 16-AA-0013. MR.
22 LUIS FLORES, REPRESENTING THE LEA, IS ON MY LEFT
23 AND MR. MICHAEL ADAMS, THE OPERATOR, ARE PRESENT TO

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24 ANSWER ANY QUESTIONS THAT YOU MAY HAVE. THIS

25 CONCLUDES STAFF'S PRESENTATION.

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1 CHAIRMAN FRAZEE: MR. FLORES, DID YOU HAVE
2 ANY COMMENTS?

3 MR. FLORES: YES. THANK YOU. GOOD
4 MORNING. KINGS COUNTY CURRENTLY HAS TWO MUNICIPAL
5 SOLID WASTE FACILITIES IN THE COUNTY. ONE OF THOSE
6 FACILITIES SERVICES THE MAJORITY OF THE COUNTY,
7 PROBABLY ABOUT 70 TO 80 PERCENT MINIMUM. THE OTHER
8 SERVICES THE MUNICIPALITY. THE MAJOR MUNICIPAL
9 SOLID WASTE FACILITY IN OUR COUNTY IS DUE TO CLOSE
10 WITHIN THE NEXT 12 MONTHS, AND THIS WOULD BE A VERY
11 GOOD ALTERNATIVE FOR THAT CLOSURE. AND SO WE WOULD
12 LIKE TO SEE CONCURRENCE BY THE BOARD ON THIS
13 FACILITY. THANK YOU.

14 MEMBER RELIS: AS I UNDERSTAND, THIS IS
15 SOMETHING OF A BACKUP OPTION, ISN'T IT, IF THE
16 OTHER PERMIT -- PERMITTED LANDFILL, WHICH IS --

17 MR. FLORES: KETTLEMAN HILLS FACILITY.

18 MEMBER RELIS: -- KETTLEMAN HILLS SHOULD
19 RUN INTO PROBLEMS, THIS WOULD BE YOUR OPTION.

20 MR. FLORES: THAT'S CORRECT.

21 MEMBER JONES: I THINK, MR. CHAIRMAN,
22 KINGS COUNTY, I WENT DOWN AND LOOKED AT A PRETTY
23 ELABORATE, PRETTY EXTENSIVE MATERIALS RECOVERY

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24 FACILITY THAT WAS BUILT. THIS MAKES SENSE THAT
25 THE -- THIS INTEGRATION BETWEEN THE MRF AND THIS

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1 LANDFILL, SO I DON'T HAVE ANY PROBLEM WITH IT.

2 CHAIRMAN FRAZEE: OKAY.

3 MR. FLORES: I'D ALSO LIKE TO THANK
4 BEATRICE FOR HER ASSISTANCE. I'M RELATIVELY NEW IN
5 THE SOLID WASTE PROGRAMS, AND HER ASSISTANCE HAS
6 BEEN VERY HELPFUL TO ME.

7 CHAIRMAN FRAZEE: OKAY.

8 MEMBER JONES: MR. CHAIRMAN, I WOULD LIKE
9 TO MOVE RESOLUTION 97-483.

10 MEMBER RELIS: I'LL SECOND.

11 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
12 SECOND ON THE ADOPTION OF RESOLUTION 97-483. IF
13 THE SECRETARY WILL CALL THE ROLL ON THAT.

14 THE SECRETARY: BOARD MEMBER RELIS.

15 MEMBER RELIS: AYE.

16 THE SECRETARY: BOARD MEMBER JONES.

17 MEMBER JONES: AYE.

18 THE SECRETARY: CHAIRMAN FRAZEE.

19 CHAIRMAN FRAZEE: AYE. THE MOTION IS
20 CARRIED. IF THERE'S NO OBJECTION, WE WILL
21 RECOMMEND CONSENT ON THAT ITEM.

22 NOW, WE ARE READY FOR THE
23 CONSIDERATION OF ADOPTION OF A NEGATIVE DECLARATION

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24 FOR A MAJOR WASTE TIRE FACILITY PERMIT FOR THE
25 CALIFORNIA ASBESTOS MONOFILL IN CALAVERAS COUNTY.

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1 MS. RICE: THANK YOU, MR. CHAIRMAN.
2 MICHAEL KEFFER WILL MAKE THE STAFF PRESENTATION.
3 BEFORE HE BEGINS, I'D LIKE TO BRIEFLY
4 ACKNOWLEDGE BOTH MICHAEL AND BILL ISHMAEL OF THE
5 DIVISION CEQA STAFF FOR THEIR VERY EXPEDITIOUS WORK
6 ON THIS ITEM AND THE NEXT ONE. I REALLY APPRECIATE
7 IT.

8 MR. KEFFER: GOOD MORNING, MR. CHAIRMAN,
9 MEMBERS OF THE COMMITTEE. AGENDA ITEM NO. 7 IS AN
10 INFORMATIONAL ITEM TO ALERT MEMBERS OF THE
11 COMMITTEE TO AN ITEM THAT WILL BE PRESENTED TO THE
12 FULL BOARD AT ITS MEETING ON NOVEMBER 19, 1997. AT
13 THAT TIME THE BOARD WILL BE REQUESTED TO CONSIDER
14 THE ADOPTION OF A NEGATIVE DECLARATION FOR A MAJOR
15 WASTE TIRE FACILITY PERMIT FOR CALIFORNIA ASBESTOS
16 MONOFILL, COMMONLY CALLED CAM, IN CALAVERAS COUNTY.

17 AS PART OF THEIR MAJOR WASTE TIRE
18 FACILITY PERMIT APPLICATION, CAM PRESENTED VARIOUS
19 ENVIRONMENTAL DOCUMENTS TO SATISFY THAT PORTION OF
20 THE APPLICATION REQUIRING COMPLIANCE WITH THE
21 CALIFORNIA ENVIRONMENTAL QUALITY ACT. AFTER
22 DETERMINING THAT THESE DOCUMENTS DID NOT ADEQUATELY
23 COVER THE STORAGE OF WASTE TIRES ON THE PREMISES OF

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24 CAM, AND ACTING AS THE LEAD AGENCY, BOARD CEQA

25 STAFF PREPARED AN INITIAL STUDY AND NEGATIVE

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1 DECLARATION.

2 THE NEGATIVE DECLARATION WAS FILED
3 WITH THE STATE CLEARINGHOUSE ON OCTOBER 16, 1997,
4 AND DISTRIBUTED TO RESPONSIBLE AND INTERESTED
5 AGENCIES FOR COMMENT. THE COMMENT PERIOD
6 TERMINATES ON NOVEMBER THE 17TH, 1997, AND STAFF
7 WILL BRING THE ISSUE OF ADOPTION OF THE NEGATIVE
8 DECLARATION TO THE FULL BOARD ON NOVEMBER 19, 1997.

9 ARE THERE ANY QUESTIONS I MIGHT
10 ANSWER FOR MEMBERS OF THE COMMITTEE?

11 MOVE ON TO ITEM NO. 8, WHICH REQUESTS
12 THE COMMITTEE CONSIDER THE APPROVAL OF A MAJOR
13 WASTE TIRE FACILITY PERMIT FOR CAM. ON SEPTEMBER
14 17, 1997, CAM SUBMITTED A MAJOR WASTE TIRE FACILITY
15 PERMIT APPLICATION, DETAILING PROPOSED PLANS TO
16 STORE UP TO 580 TONS OF WHOLE, UNSHREDDED WASTE
17 TIRES AT THEIR FACILITY NEAR COPPEROPOLIS,
18 CALIFORNIA.

19 THE APPLICATION WAS DEEMED COMPLETE
20 ON OCTOBER THE 16TH, AND A PREPERMIT INSPECTION WAS
21 CONDUCTED BY BOARD AND CALAVERAS COUNTY PERSONNEL
22 ON OCTOBER 27, 1997. ALTHOUGH THE APPLICATION WAS
23 SUPPLEMENTED BY NUMEROUS ENVIRONMENTAL DOCUMENTS,

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24 AS I'VE ALREADY STATED, BOARD STAFF PREPARED THE
25 NEGATIVE DECLARATION TO SATISFY CEQA REQUIREMENTS.

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1 DURING THE PREPERMIT INSPECTION OF OCTOBER 27,
2 1997, IT WAS DETERMINED THAT THE FACILITY MET OR
3 EXCEEDED THE TECHNICAL STANDARDS FOR FIRE
4 PREVENTION AND SUPPRESSION, VECTOR CONTROL,
5 FACILITY ACCESS, AND THE STORAGE OF WASTE TIRES.
6 CAM IS PRESENTLY PERMITTED TO ACCEPT
7 ASBESTOS-CONTAINING WASTE, AND MINOR ALTERATIONS
8 WILL BE REQUIRED IN ORDER TO PREPARE FOR THE
9 ACCEPTANCE OF WASTE TIRES.
10 FINANCIAL ASSURANCE MECHANISMS
11 REQUIRED BY STATUTE AND REGULATION FOR A MAJOR
12 WASTE TIRE FACILITY PERMIT WERE SUBMITTED AS PART
13 OF THE APPLICATION, EXAMINED BY BOARD STAFF, AND
14 DETERMINED ADEQUATE FOR THE PROPOSED PROJECT.
15 THE OPERATION PLAN AND EMERGENCY
16 RESPONSE PLAN SUBMITTED WITH THE APPLICATION WERE
17 ALSO DEEMED COMPLETE.
18 PENDING THE APPROVAL OF THE NEGATIVE
19 DECLARATION FOR CAM ON NOVEMBER 19TH, STAFF
20 RECOMMENDS THE COMMITTEE FORWARD THIS ITEM TO THE
21 BOARD WITH SUPPORT FOR ADOPTION OF PERMIT DECISION
22 97-506, APPROVING ISSUANCE OF A MAJOR WASTE TIRE
23 FACILITY PERMIT NO. 05-TI-0726.

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24 REPRESENTATIVES OF CAM ARE PRESENT IN
25 THE AUDIENCE TODAY. ARE THERE ANY QUESTIONS YOU

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1 HAVE OF STAFF OR REPRESENTATIVES FROM THIS COMPANY?

2 CHAIRMAN FRAZEE: I UNDERSTAND THIS PERMIT
3 IS FOR THE STORAGE OF TIRES ONLY AND NOT FOR THE
4 ACTUAL MONOFILLING.

5 MR. KEFFER: THAT IS CORRECT. IT IS FOR
6 THE ABOVE-GROUND STORAGE OF WASTE TIRES.

7 MEMBER RELIS: MY QUESTION WOULD -- IS
8 CONCERNING -- LET'S SEE. THE INTENT, THEN, DOWN
9 THE ROAD WOULD BE TO MONOFILL?

10 MR. KEFFER: THAT IS CORRECT.

11 MEMBER RELIS: SO THIS WOULD BE SOMEWHAT
12 ANALOGOUS TO AN EARLIER DISCUSSION WE HAD HERE
13 REGARDING OXFORD WHERE WE WERE LOOKING TO A
14 POTENTIAL TIRE MONOFILL OPTION THERE AS A --

15 MS. RICE: THE OPERATOR MAY WANT TO SPEAK
16 TO THIS MORE FULLY, BUT MY UNDERSTANDING IS THIS IS
17 NOT SO MUCH A BACKUP AS THEY WILL ULTIMATELY NEED
18 THE TWO AUTHORIZATIONS BECAUSE THEY WILL HAVE SOME
19 AREA ABOVE-GROUND WHERE THEY ARE PROCESSING TIRES
20 PRIOR TO PLACEMENT IN THE MONOFILL. SO ULTIMATELY
21 THEY WOULD NEED BOTH THE PERMIT OR SOME KIND OF
22 APPROVAL TO OPERATE THE MONOFILL AS WELL AS THE
23 PERMIT THAT YOU ARE BEING REQUESTED TO ACT ON

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24 TODAY. SO THIS IS NOT INSTEAD OF A PERMIT FOR THE
25 MONOFILL.

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1 MEMBER RELIS: NO. I UNDERSTAND THAT. MY
2 COMMENTS WERE MORE DIRECTED TO WE DIDN'T KNOW MUCH
3 ABOUT MONOFILLS WHEN WE WERE DEALING WITH THE
4 OXFORD CASE, SO THIS IS ONE FOR US TO STUDY
5 CAREFULLY BECAUSE SHOULD THIS BECOME A MORE
6 WIDESPREAD OPTION, WE NEED TO KNOW, WELL, IS THERE
7 ANY CHANCE OF, YOU KNOW, SPONTANEOUS COMBUSTION
8 WITHIN THE MONOFILL ITSELF DOWN THE ROAD. I'M NOT
9 TALKING TO THE PERMIT BEFORE US TODAY.

10 MS. RICE: CORRECT. AND WE ARE CURRENTLY
11 WORKING ON AN ORDER THAT WOULD GOVERN THE OPERATION
12 OF THE NONFILL ITSELF, SO THE TWO WOULD WORK IN
13 TANDEM.

14 MEMBER JONES: MR. RELIS, THE ISSUES THAT
15 WE HAD WITH THE OXFORD ONE, WELL, ALL THREE OF US
16 HAD, WERE VERY, VERY CONCERNED ABOUT THOSE THINGS.
17 I KNOW MR. FRAZEE HAS BEEN OUT TO CAM; I WENT OUT
18 TO CAM. ONE OF THE THINGS THAT I HAVE A REAL
19 COMFORT LEVEL WITH IS THAT ALL OF THE ENGINEERS
20 THAT ARE -- THAT HAVE BEEN THE REPUTED EXPERTS ON
21 WHY THOSE TIRE FIRES HAVE HAPPENED IN SHREDDED
22 ROADWAYS AND THINGS LIKE THAT ARE PART OF THE
23 PROJECT THAT CAM HAS HIRED TO MAKE SURE THAT THEIR

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24 OPERATIONAL STANDARDS WHEN THEY DO START THE

25 MONOFILL ELIMINATE WHAT IS -- NOBODY KNOWS FOR

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1 SURE -- BUT WHAT'S CONSIDERED TO BE WHAT PROBABLY
2 STARTED THOSE FIRES, THOSE TYPES OF THINGS.

3 AND I KNOW THAT WHEN WE HAD -- WHEN
4 WE HAD OUR ENGINEER FROM BACK EAST, AND I CAN'T
5 THINK OF HIS NAME RIGHT NOW, OUR CIVIL ENGINEER,
6 DANA HUMPHREYS, SAID THAT ONE OF THE BIG ISSUES
7 WERE THE ORGANICS THAT WERE WITHIN THE SOIL THAT
8 EVIDENTLY HAD HELPED FUEL THE FIRE WITH THE SHREDS
9 HEATING UP, YOU KNOW, THE METAL SHRED THAT IS AT
10 THE END OF THE TIRE SHRED.

11 AND ONE OF THE THINGS THAT I LEARNED
12 WITH CAM IS THAT BECAUSE OF THEIR PROCESS PULLING
13 ASBESTOS OUT OF THE MATERIAL, THAT THE PH. IS 7.
14 THERE ARE NO ORGANICS LEFT IN THAT MATERIAL THEY'RE
15 GOING TO BE COVERING WITH. IT KIND OF IS A
16 UNIQUE -- PRETTY UNIQUE SET OF CIRCUMSTANCES. BUT
17 I THINK WHAT -- I'VE BEEN KIND OF BEING KEPT UP TO
18 SPEED ON THIS ONE. AND I THINK THAT THE CAM IS
19 WORKING WITH STAFF; AND AS THIS THING GOES ALONG,
20 THERE'S GOING TO BE A LOT OF SHARING OF INFORMATION
21 BECAUSE WE WERE ALL VERY CONCERNED THAT WE PERMIT
22 SOMETHING THAT WOULD CREATE AN ENVIRONMENTAL
23 DISASTER AND THAT PROBABLY WASN'T GOOD POLICY. BUT

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24 THIS IS WORKING OUT -- SEEMS TO BE WORKING OUT

25 PRETTY WELL SO FAR.

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1 CHAIRMAN FRAZEE: MR. TONEY, DID YOU WISH
2 TO COMMENT ON THIS ITEM AT ALL?

3 MR. TONEY: JUST TO SAY THAT I'M AVAILABLE
4 TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

5 CHAIRMAN FRAZEE: NOW, AS I UNDERSTAND IT,
6 THE NEGATIVE DECLARATION WAS FOR INFORMATION ONLY.

7 MR. DIER: YES. UPON REFLECTION, I THINK
8 STAFF WOULD RECOMMEND THAT THE COMMITTEE PROBABLY
9 FORWARD THAT TO THE BOARD WITHOUT RECOMMENDATION,
10 THEN WE'LL FINISH THE COMMENT PERIOD AND REPORT
11 BACK AT THE BOARD MEETING.

12 CHAIRMAN FRAZEE: BOTH THE PERMIT AND
13 THE --

14 MS. TOBIAS: I THINK YOU CAN RECOMMEND IF
15 YOU WOULD WANT THE PERMIT APPROVED SUBJECT TO THE
16 APPROVAL, FINISHING THE COMMENT PERIOD AND THE
17 APPROVAL OF THE NEG DEC. I DON'T HAVE A PROBLEM
18 WITH THAT.

19 MEMBER RELIS: I WOULD SO MOVE.

20 MEMBER JONES: I'LL SECOND.

21 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
22 SECOND ON THE ADOPTION OF RESOLUTION 97-506 WITH
23 THE PROVISIO THAT THIS IS A RECOMMENDATION TO THE

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24 FULL BOARD PENDING ADOPTION OF THE ENVIRONMENTAL
25 IMPACT -- NEGATIVE DECLARATION. IF THE SECRETARY

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1 WILL CALL THE ROLL ON THAT.

2 THE SECRETARY: BOARD MEMBER RELIS.

3 MEMBER RELIS: AYE.

4 THE SECRETARY: BOARD MEMBER JONES.

5 MEMBER JONES: AYE.

6 THE SECRETARY: CHAIRMAN FRAZEE.

7 CHAIRMAN FRAZEE: AYE. MOTION IS CARRIED.

8 NOW WE'RE READY FOR ITEM 10, THE

9 CONSIDERATION OF TEMPORARY CERTIFICATION AND

10 DESIGNATION OF THE CITY OF SAN DIEGO DEVELOPMENT

11 SERVICES DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY

12 FOR THE CITY OF SAN DIEGO.

13 MS. RICE: THANK YOU, MR. CHAIRMAN AND

14 MEMBERS. MARY COYLE AND CHRISTINE MCCrackEN WILL

15 PROVIDE THE STAFF PRESENTATION.

16 MS. COYLE: MR. CHAIRMAN AND MEMBERS, ON

17 JULY 29, '97, THE CITY OF SAN DIEGO WITHDREW THE

18 DESIGNATION OF THE COUNTY OF SAN DIEGO DEPARTMENT

19 OF ENVIRONMENTAL HEALTH AS THEIR LOCAL ENFORCEMENT

20 AGENCY.

21 BOARD STAFF WAS PROVIDED NOTICE OF

22 THIS ACTION BY LETTER AND A COPY OF THE RESOLUTION

23 ON AUGUST 20TH. THE LOCAL GOVERNING BODY IS

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24 REQUIRED TO GIVE THE BOARD 90 DAYS' NOTICE BEFORE
25 THE EFFECTIVE DATE OF THE WITHDRAWAL OF DESIGNA-

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1 TION. THE EFFECTIVE DATE HAS BEEN DETERMINED TO BE
2 NOVEMBER 18TH.

3 THE CITY SUBMITTED THE REQUIRED
4 PAPERWORK FOR THEIR CERTIFICATION ON OCTOBER 15TH.
5 CHRISTINE MCCRACKEN WILL PROVIDE THE DETAILS OF
6 THAT PACKAGE.

7 MS. MCCRACKEN: GOOD MORNING. AS YOU
8 KNOW, THE PUBLIC RESOURCES CODE ALLOWS LOCAL
9 GOVERNING BODIES TO DESIGNATE AN ENFORCEMENT AGENCY
10 TO CARRY OUT THE SOLID WASTE PERMITTING,
11 INSPECTION, AND ENFORCEMENT DUTIES IN THEIR
12 JURISDICTION. REGULATIONS REQUIRE A DESIGNATED
13 LOCAL AGENCY DEVELOP, SUBMIT FOR BOARD APPROVAL,
14 AND ADOPT AN ENFORCEMENT PROGRAM PLAN.

15 THE EPP NEEDS TO DEMONSTRATE THAT THE
16 LEA MEETS ALL REQUIREMENTS FOR CERTIFICATION. AS
17 OF AUGUST 1ST, 1992, THE BOARD CAN APPROVE A
18 DESIGNATION IF IT FINDS THAT THE DESIGNATED
19 ENFORCEMENT AGENCY IS CAPABLE OF FULFILLING ITS
20 RESPONSIBILITIES UNDER THE ENFORCEMENT PROGRAM AND
21 MEETS THE CERTIFICATION REQUIREMENTS ADOPTED BY THE
22 BOARD.

23 FOR A LOCAL AGENCY TO BE CERTIFIED BY

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24 THE BOARD, THE ENFORCEMENT AGENCY MUST HAVE THE
25 FOLLOWING: TECHNICAL EXPERTISE, ADEQUATE STAFF

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1 RESOURCES, ADEQUATE BUDGET RESOURCES, ADEQUATE
2 TRAINING, THE EXISTENCE OF AT LEAST ONE PERMITTED
3 SOLID WASTE FACILITY PERMIT WITHIN THE JURISDICTION
4 OF THE LOCAL AGENCY, NO OPERATIONAL INVOLVEMENT IN
5 ANY OF THE TYPES OF FACILITIES OR SITES THAT
6 PERMITS, INSPECTS, OR ENFORCES, AND A SOLE -- BE A
7 SOLE ENFORCEMENT AGENCY FOR THE LEA JURISDICTION.

8 THE CITY OF SAN DIEGO HAS REQUESTED
9 CERTIFICATION FOR ALL FOUR TYPES OF INSPECTION,
10 PERMITTING, AND ENFORCEMENT DUTIES. BOARD STAFF
11 HAS REVIEWED THE DESIGNATION INFORMATION PACKAGE
12 AND THE ENFORCEMENT PROGRAM PLAN SUBMITTED BY THE
13 CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT
14 AND HAS FOUND THE DOCUMENTATION MEETS THE REQUIRE-
15 MENTS OF STATUTE AND REGULATION.

16 STAFF HAS RECENTLY LEARNED THAT THE
17 CITY MANAGER HAS VACATED HIS OFFICE. STAFF WILL
18 NEED TO OBTAIN A NEW FORM 1000 SIGNED BY A
19 QUALIFIED REPRESENTATIVE PRIOR TO THE BOARD MEETING
20 TO COMPLETE ALL REQUIRED PAPERWORK.

21 THERE IS AN ITEM TO NOTE WHICH MAKES
22 THIS REQUEST FOR CERTIFICATION UNIQUE. THE CITY OF
23 SAN DIEGO PROPOSES TO UTILIZE UNDER CONTRACT A

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24 PROGRAM MANAGER AND VARIOUS LEA STAFF FROM OTHER
25 CERTIFIED LEA JURISDICTIONS UNTIL JULY 1ST OF

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1 1998. BY THAT TIME THE CITY INTENDS TO HIRE THEIR
2 OWN PROGRAM MANAGER IN ADDITION TO FILLING AN
3 INSPECTOR AND ENGINEER POSITION.

4 THE CITY IS FULLY COMMITTED TO
5 ASSUMING AND PERFORMING ALL DUTIES AND RESPONSIBILITIES OF A CERTIFIED LEA ON NOVEMBER 19, 1997,
6 WITH THIS STAFFING ARRANGEMENT.

8 THE OPTIONS AVAILABLE TO THE BOARD
9 REGARDING THIS REQUEST FOR CERTIFICATION ARE FOUND,
10 I BELIEVE, ON PAGE 57 OF YOUR PACKET. AND MARY
11 COYLE WILL PRESENT THOSE.

12 MS. COYLE: BASED ON THE PAPERWORK WE
13 RECEIVED AND PENDING RECEIPT OF THE UPDATED FORM
14 1000, BOARD STAFF DO RECOMMEND THAT THE BOARD
15 APPROVE THE EPP, APPROVE THE DESIGNATION, AND ISSUE
16 TEMPORARY CERTIFICATION FOR THE JURISDICTION. THE
17 TEMPORARY CERTIFICATION IS ALLOWED IN REGULATION
18 BASED ON -- AND WE ARE RECOMMENDING THAT BASED ON
19 THE FACT THAT THE AGENCY HAS NOT HAD AN ABILITY TO
20 SHOW THEIR EXPERIENCE IN PERFORMING DUTIES AND
21 RESPONSIBILITIES OF A LOCAL ENFORCEMENT AGENCY.

22 THEREFORE, WE RECOMMEND THE BOARD
23 ADOPT RESOLUTION 97-508. DAVID CAREY, THE

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24 CONSULTANT FOR THE CITY OF SAN DIEGO, LISA WOOD,
25 ENVIRONMENTAL SERVICES DEPARTMENT, AND ELMER HEAP,

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1 CITY ATTORNEY, IS IN THE AUDIENCE TO ANSWER ANY
2 QUESTIONS THAT THEY MAY BE AVAILABLE FOR. ARE
3 THERE ANY QUESTIONS OF STAFF?

4 CHAIRMAN FRAZEE: QUESTIONS?

5 MEMBER RELIS: I HAVE JUST IN TERMS OF
6 THIS ARRANGEMENT OF USING CONSULTANTS, LET ME
7 UNDERSTAND. I'VE DISCUSSED THIS WITH MR. CAREY AND
8 I THINK I UNDERSTAND HIS ROLE. THE OTHER PARTIES
9 WOULD BE CONTRACTED TO DO THIS WORK, AND THEY'RE
10 CURRENTLY DOING -- THEY'RE CURRENTLY EMPLOYED IN
11 OTHER GOVERNMENTAL AGENCIES. IS THAT SO?

12 MS. COYLE: YES. HE HAS IDENTIFIED
13 SEVERAL INDIVIDUALS THAT ARE CURRENTLY ASSIGNED TO
14 CERTIFIED LEA JURISDICTIONS IN OTHER PARTS OF THE
15 STATE, AND THEY ARE HAVING ABILITIES TO BE ABLE TO
16 FULFILL SOME WORK ASSIGNMENTS WITHIN THE CITY OF
17 SAN DIEGO.

18 MEMBER RELIS: LET ME JUST PURSUE FOR A
19 MINUTE. OKAY. THEY HAVE FULL-TIME JOBS, I TAKE
20 IT.

21 MS. COYLE: SOME OF THEM DON'T.

22 MEMBER RELIS: IS THIS A MOONLIGHTING
23 OPERATION OR WHAT? I JUST NEED TO KNOW THAT --

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24 LEA'S ARE USUALLY AVAILABLE DURING NORMAL HOURS AND
25 TO DO NORMAL INSPECTIONS. AND I JUST WANT TO BE

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1 ASSURED THAT THE INTEGRITY OF THIS APPROACH IS NOT
2 COMPROMISED BY LACK OF AVAILABILITY.

3 MR. UNSELL: TOM UNSELL. SPEAKING FROM
4 THE DOCUMENTATION THAT WE RECEIVED, WE WOULD NOT
5 HAVE KNOWLEDGE OF WHETHER THAT'S MOONLIGHTING OR
6 WHAT THOSE ABILITIES WOULD BE, BUT I THINK PERHAPS
7 THE CITY REPRESENTATIVE AND THE PROPOSED LEA MAY BE
8 ABLE TO SPEAK TO THAT ISSUE.

9 CHAIRMAN FRAZEE: LET'S HEAR FROM MR.
10 CAREY.

11 MR. CAREY: MORNING, MR. CHAIRMAN,
12 MEMBERS. DAVE CAREY REPRESENTING THE CITY OF SAN
13 DIEGO. I'D BE HAPPY TO ANSWER THOSE QUESTIONS.

14 POINT OF CLARIFICATION WITH REGARD TO
15 FORM 1000 FIRST. THAT WAS SIGNED BY OUR DEPUTY
16 CITY MANAGER, WHO IS STILL EMPLOYED, AND THAT IS AN
17 AUTHORIZED SIGNATURE ON THAT FORM 1000.

18 WITH REGARD TO CONTRACT STAFF, IT
19 WILL CERTAINLY BE A LOGISTIC SCHEDULING CHALLENGE.
20 I HAVE OVER EIGHT INDIVIDUALS WHO HAVE COMMITTED
21 OVER ALMOST TWO FULL-TIME EQUIVALENT STAFF. WE
22 HAVE A FULL-TIME CIVIL ENGINEER WITH THE CITY OF
23 SAN DIEGO WHO IS ASSIGNED TO THE PROGRAM. SO WE

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24 HAVE ONE FULL-TIME PERSON THERE.

25 OUR TIME TASK ANALYSIS HAS INDICATED

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1 WE ALSO NEED ONE FULL-TIME INSPECTOR. I HAVE THE
2 EQUIVALENT OF 1.8 PART-TIME STAFF. SO WE FEEL THAT
3 WE HAVE THE ABILITY WITH THE FLEX DAYS THAT THE
4 INDIVIDUALS HAVE THAT ARE CURRENTLY WORKING WITH
5 SOME OF THE OTHER LEA'S, THAT THEY ARE GOING TO BE
6 ABLE TO GIVE US THE EQUIVALENT WITHOUT HAVING TO
7 TECHNICALLY MOONLIGHT AND HAVE TO FIGURE OUT WHEN
8 THE FULL MOON IS OUT THERE, SO WE'RE OUT THERE ON
9 THE FACILITY, BUT A MONDAY THROUGH SATURDAY-TYPE OF
10 OPERATION. WE WILL BE FULLY PREPARED TO GO FORWARD
11 WITH THAT KIND OF INSPECTION AND PERMITTING
12 ENFORCEMENT ACTIVITIES.

13 MEMBER RELIS: LET ME PURSUE THAT A LITTLE
14 FURTHER. I MEAN IT IS AN UNUSUAL -- WE ALL HAVE TO
15 ADMIT THIS IS SOMEWHAT AN UNUSUAL ARRANGEMENT. AND
16 THIS IS A LARGE JURISDICTION. I MEAN WE MIGHT SEE
17 THIS TYPE OF PROPOSAL IN SOME OF OUR RURAL COUNTIES
18 WITH THE PROBLEMS THEY HAVE WITH STAFFING, BUT I
19 MEAN THIS IS SAN DIEGO, ONE OF THE BIGGEST
20 POPULATION CENTERS IN CALIFORNIA.

21 AND SO I THINK IT'S REASONABLE TO
22 REALLY PURSUE THIS POINT BECAUSE ENFORCEMENT IS A
23 DAY-IN AND DAY-OUT MATTER. IT DOESN'T AND IT

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24 SHOULD NOT -- ITS PERFORMANCE SHOULD NOT BE
25 COMPROMISED BY SCHEDULING CONFLICTS. I'M JUST

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1 WONDERING, PUTTING MYSELF IN THAT POSITION, I'M ONE
2 OF THESE CONTRACT PEOPLE, AND I HAVE A FULL-TIME
3 JOB. AND WHERE IS MY PRIMARY ALLEGIANCE? IT'S
4 GOING TO BE TO MY FULL-TIME POSITION. YOU CALL ME
5 OR I DON'T KNOW WHO WOULD CALL AND SAY, "I NEED AN
6 INSPECTION." "WELL, GEE. I'M TIED UP TODAY."

7 HOW -- HOW DO WE -- WHAT ASSURANCE DO
8 WE HAVE IN THIS ARRANGEMENT THAT THAT WON'T HAPPEN
9 BECAUSE OTHERWISE WE'VE FAILED OUR PRIMARY
10 FUNCTION?

11 MR. CAREY: I CERTAINLY UNDERSTAND WHERE
12 YOU ARE COMING FROM AS TO PROTECT THE PUBLIC AND
13 CERTAINLY PROTECT THOSE FACILITIES THAT WE HAVE.
14 BUT I'VE ENSURED -- NO. 1, I'M A REGISTERED
15 ENVIRONMENTAL HEALTH SPECIALIST MYSELF WITH THREE
16 YEARS. EVEN THOUGH I CONCUR IN THE RECOMMENDATION
17 THAT STAFF HAS MADE TO GIVE A CITY OF SAN DIEGO A
18 TEMPORARY CERTIFICATION, I'VE HAD THREE YEARS
19 EXPERIENCE PERSONALLY AS THE LEA OF SAN DIEGO
20 COUNTY IN 1983 TO '85. OBVIOUSLY THAT PRECEDED THE
21 NEW LAWS THAT CAME IN IN AB 939, WHAT HAVE YOU.

22 BUT I DO HAVE THAT EXPERIENCE MYSELF,
23 SO I PERSONALLY WOULD MAKE INSPECTIONS MYSELF. I

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24 WILL BE AVAILABLE FULL TIME MYSELF. I'LL HAVE A
25 STAFF ENGINEER FULL TIME AVAILABLE TO ME, SO THOSE

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1 ARE TWO EQUIVALENTS RIGHT THERE. THE PART-TIME
2 STAFF THAT WE CALLED ON WILL NOT BE, EVEN THOUGH
3 WE'VE GIVEN OURSELVES THAT WINDOW OF OPPORTUNITY TO
4 JULY OF 1998, WE CERTAINLY HOPE TO HAVE QUALIFIED
5 STAFF ON BOARD MUCH SOONER THAN THAT. THE PROCESS
6 IS ALREADY GOING FORWARD FOR THE RECRUITMENT
7 PROCESS, JOB CLASSIFICATIONS, AND WHAT HAVE YOU.
8 SO WE'RE GOING TO BE HIRING FULL-TIME STAFF ON A
9 VERY IMMEDIATE BASIS, AND HOPEFULLY THE PROGRAM
10 MANAGER WILL BE THE FIRST PERSON THAT WE HIRE. I'M
11 ONLY INTERIM OR IMPLEMENTATION PROGRAM MANAGER.
12 AND THEN WE'LL HAVE A FULL-TIME PROGRAM MANAGER ON
13 BOARD WHO WILL THEN HIRE THE QUALIFIED STAFF.

14 WE HAVE RIGHT IN OUR OWN JURISDICTION
15 THE FORMER LEA IN SAN DIEGO COUNTY. WE HAVE TWO
16 INDIVIDUALS WHO HAVE GIVEN US -- HAVE COMMITTED TO
17 ME ON PAPER, WRITTEN COMMITMENT AGREEMENTS, THAT
18 THEY WILL GIVE ME TEN DAYS JUST RIGHT THERE IN SAN
19 DIEGO, PEOPLE THAT LIVE IN SAN DIEGO. WE ALSO HAVE
20 AN INDIVIDUAL WHO IS THE LEA FOR IMPERIAL COUNTY,
21 JERRY QUICK -- THIS IS ALL IN THE EPP -- WHO IS A
22 CONTRACT EMPLOYEE WITH IMPERIAL, WHO ONLY WORKS 12
23 DAYS A MONTH IN IMPERIAL. HE'S WILLING TO GIVE US

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24 EIGHT DAYS IN SAN DIEGO THOSE OTHER EIGHT DAYS. SO
25 THAT WOULDN'T BE IN DIRECT CONFLICT WITH ANY OTHER

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1 WORKING COMMITMENT THAT HE HAS.

2 AND SO WITH THOSE THREE INDIVIDUALS
3 ALONE, TWO FROM SAN DIEGO COUNTY AND THE IMPERIAL
4 COUNTY JERRY QUICK INDIVIDUAL, WE HAVE BASICALLY
5 FULL-TIME STAFF THAT WE CAN SPREAD OVER THE FULL
6 COURSE OF THE TIME.

7 WE ALSO HAVE ADDITIONAL EMPLOYEES
8 WORKING FOR OTHER LEA'S IN LOS ANGELES, RIVERSIDE,
9 ORANGE COUNTY, CITY OF VERNON WHO HAVE AGREED TO
10 COME DOWN ON FLEX DAYS. MANY OF THEM DON'T WORK A
11 FIVE-DAY WEEK. THEY'RE WORKING FLEX DAYS, WHETHER
12 THEY HAVE FRIDAYS OR MONDAYS OFF. SO THEY HAVE
13 COMMITTED TO THOSE.

14 WHAT ASSURANCE DO I HAVE? I CAN JUST
15 TELL YOU THAT I THINK THEY HAVE AN INCENTIVE TO
16 WANT TO COME DOWN. WE HAVE A VERY COMPETITIVE PAY
17 RATE THAT WE'RE PAYING THEM, AND I THINK THEY SEE
18 THIS AS A CHALLENGE, AND WOULD LIKE TO HELP THE
19 CITY.

20 MEMBER RELIS: WELL, MR. CHAIR, THIS IS
21 JUST A COMMENT. CERTAINLY I'M NOT ASKING YOU, MR.
22 CAREY, TO COMMENT ON THIS. BUT IT IS INTERESTING
23 TO THINK THAT HERE WE HAVE A CASE WHERE WE'RE

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24 TALKING ABOUT A TRANSITION. THAT'S REALLY WHAT

25 THIS IS ABOUT. THE CITY OF SAN DIEGO WANTS TO

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1 STAFF UP AND DO THIS IN A FULL BORE WAY. AND I
2 UNDERSTAND THAT THE OPTION WAS PRESENTED TO THEM
3 THAT THE BOARD, YOU KNOW, IN A BACKUP ROLE, THIS IS
4 THE KIND OF THING WE WOULD STEP IN AND FULFILL IN
5 THE ABSENCE OF A -- I'M JUST CURIOUS WHY, AND I'M
6 NOT ASKING FOR YOUR RESPONSE BECAUSE IT MIGHT BE
7 DIFFICULT FOR YOU TO DO THAT, BUT WHY THAT WOULDN'T
8 HAVE BEEN THE TRANSITION OPTION UNTIL YOU HAD YOUR
9 TEAM IN PLACE.

10 MR. CAREY: CAN I COMMENT TOO? ACTUALLY
11 WHAT WE PURSUED INITIALLY WAS THE CONTRACT WITH THE
12 CITY OR THE COUNTY OF SAN DIEGO, THE DEPARTMENT OF
13 ENVIRONMENTAL HEALTH SERVICES. AND WE HAD ENTERED
14 INTO NEGOTIATIONS WITH THEM DURING THIS WHOLE
15 PROCESS; AND AS MARY COYLE HAS POINTED OUT, OUR EPP
16 HAD TO BE SUBMITTED ON OCTOBER 15TH. ON OCTOBER
17 16TH THE COUNTY FINALLY GOT BACK TO US AND TOLD US
18 THAT THEY WEREN'T IN A POSITION TO CONTRACT WITH
19 US.

20 SO WE WERE GOING UNDER THE
21 ASSUMPTION, WHAT WE FELT WAS THE ASSUMPTION, THAT
22 THEY WERE GOING TO BE ABLE TO WORK WITH US DURING
23 THIS TRANSITION PERIOD. WE HAD OFFERED THE

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24 CONTRACT WITH THEM ALL THE WAY TO THE NEXT FISCAL

25 YEAR SO AS NOT TO DISRUPT THEIR FINANCIAL --

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1 OPERATOR'S FINANCIAL SHARING OF THE WAY THE FEES
2 WOULD HAVE TO BE STRUCTURED. AND THEY SAID, "WELL,
3 WE DON'T THINK WE CAN DO THAT, BUT MAYBE WE CAN DO
4 IT TO THE FIRST OF THE YEAR." SO WE WERE GOING
5 UNDER THAT ASSUMPTION, AND THAT DIDN'T PAN OUT
6 UNDER CIRCUMSTANCES THAT THEY CHOSE NOT TO DO.

7 BUT THAT WAS OUR FIRST OPTION, TO GO
8 WITH THE EXISTING LEA IN SAN DIEGO COUNTY. WE HAVE
9 THE HIGHEST RESPECT FOR KEN CALVERT AND STAFF DOWN
10 THERE. THAT'S WHAT WE WANTED.

11 FORTUNATELY, I WAS ABLE TO GET TWO OF
12 KEN'S STAFF TO BE ABLE TO WORK WITH US ANYWAY, NOT
13 HAVE A CONFLICT OF INTEREST. THEY'VE GONE THROUGH
14 THEIR HUMAN RESOURCES AND THEIR ATTORNEYS TO MAKE
15 SURE THAT THERE WASN'T A CONFLICT BY WORKING WITH
16 THE CITY DURING THIS TRANSITION PERIOD. SO I THINK
17 WE'VE COVERED THAT.

18 CERTAINLY AN OPTION THAT WE HAVE AS
19 ONE OF THE THREE OPTIONS THAT BOARD STAFF HAS
20 IDENTIFIED IS THAT IF WE WEREN'T CERTIFIED ON THE
21 FULL BOARD HEARING IN NOVEMBER, THEN AUTOMATICALLY
22 YOUR BOARD STAFF, YOUR ENFORCEMENT AGENCY ITSELF
23 WOULD BE THE ENFORCEMENT AGENCY, BUT I THINK WE

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24 HAVE A GOOD WORKABLE PLAN, AND I THINK IT WILL BE A
25 TRANSITION. IT WILL ALSO MAKE FOR A SMOOTH

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1 TRANSITION. I THINK WE'LL HAVE PEOPLE THAT WILL BE
2 WORKING WITH US AND MAY END UP BEING EMPLOYED WITH
3 US. THAT'S WHAT WE'RE HOPING.

4 MEMBER JONES: MR. CHAIRMAN. I DON'T
5 KNOW, MR. CAREY, IF YOU ARE GOING TO BE ABLE TO
6 ANSWER THIS QUESTION OR NOT, BUT YOU BROUGHT IT
7 UP. AND THE LEA IS WHO YOU -- YOUR EXISTING LEA IS
8 WHO THE CITY WANTED TO ORIGINALLY CONTRACT WITH.
9 I'M CURIOUS AS TO WHO DROVE THE IDEA WITH THE CITY
10 TO DECERTIFY THAT LEA?

11 MR. CAREY: WELL, OBVIOUSLY WE'RE GETTING
12 INTO WHAT THE MOTIVE IS FOR THE CITY TO BECOME ITS
13 LEA. ALTHOUGH THAT'S OUTSIDE THE PURVIEW OF PRC
14 43200, I DON'T HAVE A PROBLEM IN ANSWERING THAT. I
15 THINK THAT'S IMPORTANT. I TRIED TO TALK TO MR.
16 LIPSON ABOUT THAT. I'VE TALKED TO JOHN CLAY AND TO
17 MR. RELIS PERSONALLY ABOUT SOME OF THE MOTIVATION
18 BEHIND WHY THE CITY IS GOING FORWARD WITH THIS
19 THING.

20 THE CITY, AS MR. RELIS HAS POINTED
21 OUT, IS THE SEVENTH LARGEST CITY IN THE COUNTRY,
22 MUCH LESS IN THE STATE. WE'RE LOOKING AT A
23 POPULATION OF 1.2 MILLION, WHICH REPRESENTS ABOUT

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24 44 PERCENT OF THE REGION ITSELF, COUNTY OF SAN
25 DIEGO. WE HAVE TWO OF THE THREE LARGEST LANDFILLS

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1 WITHIN THE CITY'S JURISDICTION.

2 SO WHEN THE COUNTY, WHICH I THINK YOU
3 ARE AWARE OF, BUT FOR THE RECORD, DECIDED TO SELL
4 ITS ASSETS, ALL OF THEIR ASSETS, AND THEY DID THAT
5 FOR A NUMBER OF REASONS, BUT FOR WHATEVER REASON,
6 THEY HAVE DONE THAT. AND AS OF THIS LAST FRIDAY,
7 THAT SALE HAS BEEN CONCLUDED. THEY OBVIOUSLY WERE
8 THE LEAD IN THE REGION AS FAR AS SOLID WASTE
9 ACTIVITIES, AND THEY WERE TAKING THAT LEAD. AND
10 THEN WITH THE SALE, THAT LEADERSHIP ROLE HAS BEEN
11 DIMINISHED. AND THE CITY FELT THAT IT WAS
12 IMPORTANT THAT THEY STEP IN THE BREACH AND TAKE AN
13 ACTIVE ROLE IN THE REGIONAL SOLID WASTE ISSUES
14 SINCE THE CITY IS SUCH AN INTEGRAL PART OF THAT.

15 SO THAT'S WHERE WE'RE BASICALLY AT.
16 WE'RE LOOKING AT BEING ABLE TO GOVERN OUR OWN
17 AFFAIRS WITHIN THE CITY, APPOINT OUR OWN HEARING
18 PANEL, AND HAVE OUR OWN LEA.

19 MEMBER JONES: ONE OF THE -- WHEN I TALKED
20 TO OUR STAFF, THE CITY SAID THAT THEY WANTED THEIR
21 OWN HEARING PANEL. AND THE STAFF SAID, "WELL, YOU
22 CAN DO THAT NOW." YOU KNOW, "YOU CAN HAVE YOUR OWN
23 HEARING PANEL," OR THAT WAS AN OPTION THAT THEY

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24 WOULD HAVE WORKED ON. BUT I DON'T KNOW IF THAT

25 EVER GOT FOLLOWED UP. MY -- INDICATIONS I GOT WAS

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1 THAT THERE WASN'T REALLY MUCH MORE DIALOGUE ABOUT
2 THAT, YOU KNOW, IF THE CITY HAD ITS OWN REVIEW
3 PANEL.

4 AND MY QUESTION GOES TO I DON'T
5 UNDERSTAND HOW AN LEA WHO IS RESPONSIBLE FOR THE
6 HEALTH AND SAFETY OF THE CITIZENS TAKES ON A
7 LEADING ROLE IN SOLID WASTE ISSUES IN A
8 JURISDICTION.

9 MR. CAREY: WELL, I THINK, AS YOU KNOW,
10 THIS IS AN INTEGRATED PROGRAM, AND SOLID WASTE IS
11 CERTAINLY THE CORNERSTONE OF ANY OF THE PROGRAMS,
12 BUT SO MUCH IS A LYNCHPIN WITHIN SOLID WASTE. AS
13 THE COUNTY PULLED OUT AND SOLD THEIR ASSETS, THEY
14 LOST THE FUNDING FOR THEIR HOUSEHOLD HAZARDOUS
15 WASTE PROGRAMS WHICH WERE BEING FUNDED THROUGH THE
16 SOLID WASTE ENFORCEMENT PROGRAMS.

17 THIS HAS BECOME A KEY REGIONAL ISSUE,
18 SO IT'S JUST NOT SOLID WASTE BY ITSELF. THERE WAS
19 THIS WHOLE DOMINO EFFECT THAT OCCURRED WITH OTHER
20 PROGRAMS THAT WERE DEPENDENT UPON WHAT WAS
21 HAPPENING IN SOLID WASTE, WHETHER IT WAS IN THE
22 ENFORCEMENT SIDE OR ON THE OP SIDE. SO THE COUNTY,
23 BY STEPPING BACK AND STEPPING OUT OF THE SOLID

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24 WASTE BUSINESS --

25 MEMBER JONES: AS AN OPERATOR.

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1 MR. CAREY: -- AS AN OPERATOR DEFINITELY,
2 HAS CAUSED A RIPPLE EFFECT THROUGHOUT MANY OF THE
3 CITIES. AND THE CITY OF SAN DIEGO BEING SUCH A
4 LARGE CITY AND WANTING TO BE ABLE TO HAVE THE
5 ABILITY TO EXERCISE ITS RIGHT TO GOVERN ITSELF AND
6 HAVE THE HEARING PANEL ACCOUNTABLE TO THE CITY
7 COUNCIL RATHER THAN THE BOARD OF SUPERVISORS WHERE
8 IT IS RIGHT NOW UNDER THE LEA HAS EXERCISED THEIR
9 RIGHT TO DEDESIGNATE THE COUNTY.

10 AND THAT'S CERTAINLY ONE MAJOR ISSUE.
11 THERE'S ANOTHER WHERE WE WOULD LIKE TO HAVE THE
12 POLICY DIRECTION OF THE CITY COORDINATED, WHETHER
13 IT'S -- THEY'RE DOING SOLID WASTE ENFORCEMENT FOR
14 LITTER CONTROL IN ONE DEPARTMENT AND MAYBE
15 SOMETHING ELSE SOMEWHERE ELSE. THIS WILL BE ABLE
16 TO HAVE A COMPREHENSIVE COORDINATION OF BEING ABLE
17 TO ENFORCE REGULATORY CONTROL IN THE CITY.

18 MEMBER JONES: THAT'S WHERE I'M GETTING
19 CONFUSED. IS IT THE LEA IS THE POLICEMAN BASICALLY
20 FOR THE ENVIRONMENTAL PROTECTION. HOW DOES THE LEA
21 FILL THE ROLE AS A POLICY LEADER IN SOLID WASTE
22 ISSUES THAT ARE OPERATIONAL? I DON'T UNDERSTAND
23 HOW AN LEA FULFILLS THAT FUNCTION.

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24 MR. CAREY: WELL, CERTAINLY THE ROLE, AS
25 WITH ANY REGULATORY AGENCY, WHETHER IT'S A STATE

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1 AGENCY OR A LOCAL AGENCY, HAS POLICY DIRECTION.
2 AND I MEAN WE'RE GOING TO ENFORCE MINIMUM STATE
3 STANDARDS, BUT THERE ARE CEQA REQUIREMENTS AND CUP
4 TERMS AND CONDITIONS WHICH IN LOCAL ORDINANCES,
5 WHICH ALSO CAN BE ENFORCEABLE WITHIN THE
6 JURISDICTION OF THE SOLID WASTE PROGRAM TO SOME
7 EXTENT, AT LEAST FOR THE DIRECTION. SO YOU ARE
8 GOING TO MOVE FORWARD IN THAT DIRECTION WITH THAT
9 KIND OF CONSOLIDATED, STREAMLINED, COORDINATED
10 EFFORTS. YOU ARE NOT GOING TO HAVE YOUR LEA
11 HANGING OUT HERE AND HAVING YOUR NEIGHBORHOOD
12 COMPLIANCE PEOPLE DOING SOMETHING COMPLETELY
13 INAPPROPRIATE OVER HERE WHERE THERE CAN BE SOME
14 COORDINATION.

15 MEMBER JONES: WHEN YOU SAY NEIGHBORHOOD
16 COMPLIANCE PEOPLE, I DON'T UNDERSTAND.

17 MR. CAREY: LITTER CONTROL, FOR EXAMPLE.

18 MEMBER RELIS: I WAS GOING TO ASK YOU WHEN
19 YOU ARE DONE.

20 MEMBER JONES: GO AHEAD.

21 MEMBER RELIS: WELL, JUST I'M TRYING TO
22 UNDERSTAND THE DIFFERENCE OF WHAT YOU ARE SAYING
23 AND WHAT IS INHERENTLY THE RELATIONSHIP THAT WE

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24 HAVE THROUGHOUT THE STATE. I MEAN WE HAD A CASE

25 HERE, IF YOU RECALL, WITH WEST COVINA WHERE WE HAVE

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1 AN LEA ENFORCING A LANDFILL THAT IS UNDER A LOCAL
2 JURISDICTION THAT -- THAT IN THAT CASE DIDN'T
3 PARTICULARLY LIKE THAT LANDFILL THERE.

4 I MEAN I'M TRYING TO UNDERSTAND WHAT
5 FUNDAMENTALLY THE DIFFERENCE HERE. MAYBE STAFF CAN
6 HELP US.

7 MEMBER JONES: DIFFERENCE BETWEEN THIS AND
8 WEST COVINA? PROBABLY NONE.

9 MEMBER RELIS: WELL, I'M NOT TRYING --
10 ESSENTIALLY WE HAVE THIS TYPE OF -- AND THIS IS THE
11 FUNDAMENTAL QUESTION ABOUT THE LEA ARM'S LENGTH
12 RELATIONSHIP. I GUESS THE QUESTION IS WHAT IS
13 DIFFERENT ABOUT -- WHAT WOULD BE DIFFERENT ABOUT
14 THIS RELATIONSHIP THAN WHAT WE HAVE THROUGHOUT THE
15 STATE?

16 MS. RICE: I DON'T KNOW IF I CAN HELP.
17 I'LL TRY. CLEARLY, WE HAVE A SITUATION THAT'S SET
18 UP UNDER STATE LAW WHERE YOU HAVE LEA'S WHO ARE
19 ARMS OF LOCAL GOVERNMENT, AND YOU HAVE A MIX OF
20 PUBLIC AND PRIVATE FACILITIES. SOME OF THE PUBLIC
21 FACILITIES ARE ARMS OF LOCAL GOVERNMENT, AND THAT
22 EXISTS IN EVERY CITY AND EVERY COUNTY VIRTUALLY.
23 OF COURSE, THERE ARE SOME THAT HAVE NO PUBLIC

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24 FACILITIES.

25 I CAN UNDERSTAND A LITTLE BIT OF WHAT

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1 THE SPEAKER IS SAYING, THAT ANY PUBLIC AGENCY MAKES
2 SOME POLICY DECISIONS IN TERMS OF HOW THEY DO THEIR
3 BUSINESS. WE CERTAINLY DO THAT. MOST AGENCIES DO.
4 YOU LOOK AT A QUESTION AND YOU TRY TO FIGURE OUT
5 WHAT'S THE RIGHT THING TO DO. IT'S NOT ALWAYS
6 CLEAR FROM THE FACE OF THE STATE MINIMUM STANDARDS
7 OR THE STRICT INTERPRETATION OF YOUR ROLE. SO THAT
8 KIND OF THING DOES HAPPEN ROUTINELY.

9 AND AS FAR AS THE RELATIONSHIP
10 BETWEEN THE DIFFERENT DEPARTMENTS AND THE OPERATING
11 UNIT AND THE LEA, I THINK IT'S INEVITABLE, AND I'M
12 SURE WE ALL ASSUME THAT COMMUNICATION DOES GO ON
13 WITHIN LOCAL GOVERNMENTS WHEN THEY'RE REACHING
14 DECISIONS. THAT IS THE NATURE OF THE LAW THAT WE
15 HAVE, AND IT IS VERY HARD TO DRAW THOSE LINES. SO
16 IT IS HARD TO RESPOND TO THOSE QUESTIONS, QUITE
17 FRANKLY.

18 MEMBER JONES: YOU KNOW, MY -- WHERE I WAS
19 GOING WITH THIS LINE WAS THAT WHEN THEY TALK ABOUT
20 INTEGRATING A PROGRAM THROUGH THE LEA, THE LEA HAS
21 ONE FUNCTION, AND THAT IS TO PROTECT THE HEALTH AND
22 SAFETY OF THE PEOPLE. AND I LOOK AT STAFF HOURS AS
23 BEING 3,074 STAFF HOURS REQUIRED FOR INSPECTIONS,

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24 PERMITTING, AND ENFORCEMENT ACTIVITIES. AND I LOOK
25 AT THE PEOPLE THAT YOU HAVE HERE, THAT I'M SURE ARE

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1 ALL VERY QUALIFIED. I HAVE NO QUESTION ABOUT THAT.

2 BUT WHERE I HAVE A CONCERN, AS A
3 FORMER OPERATOR, IS THAT HOW DO YOU PLAN ON -- ONE
4 OF YOUR DUTIES IS TO BE AT HEARING PANELS, TO BE AT
5 LEGAL PROCEEDINGS, TO BE AT ADMINISTRATIVE
6 HEARINGS.

7 IF ME AS AN OPERATOR HAS A CITATION
8 BY, LET'S SAY, QUONG THAN, WHO'S GOING TO BE THERE
9 TWO DAYS A MONTH, AND I WANT TO GO TO A PERMIT
10 REVIEW, I WANT TO GO TO AN ADMINISTRATIVE HEARING,
11 OR MY LOCAL OR MY PANEL, DO I GET TO GO AT A DATE
12 CERTAIN, OR DO I GET TO GO WHEN MR. OR MS. THAN IS
13 AVAILABLE?

14 MR. CAREY: THAT'S AN EXCELLENT QUESTION,
15 AND I APPRECIATE WHERE YOU ARE COMING FROM WITH
16 IT. WHAT MY PLAN OF ATTACK ON THIS PARTICULAR
17 ISSUE IS ON ENFORCEMENT ACTIONS, I WILL BE THE KEY
18 PERSON, AND I WILL BE THE PERSON REPRESENTING. IF
19 THE INDIVIDUAL FINDS A CONDITION ON A FACILITY THAT
20 HAS TO BE PURSUED INTO A FULL ENFORCEMENT ACTION, I
21 WILL BE THE PERSON THAT WILL BE THE FULL-TIME
22 PERSON OR THE CIVIL ENGINEER WHO WILL HAVE THOSE
23 INSPECTION AND ENFORCEMENT DUTIES ALSO.

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24 SO WE WILL HAVE LOGISTICAL ABILITY TO
25 HAVE THAT HEARING PANEL SET AS SOON AS POSSIBLE, AS

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1 SOON AS THE MEMBERS CAN MEET AND HAVE THAT THING
2 HEARD, WITH OR WITHOUT THAT INITIAL INSPECTOR WHO
3 MIGHT HAVE NOTED THAT VIOLATION.

4 MEMBER JONES: IF THE INITIAL INSPECTOR
5 THAT NOTED THE VIOLATION AND IT IS THAT
6 INTERPRETATION OF VIOLATION THAT IS IN CONTENTION,
7 YOU ARE GOING TO ASSUME THAT ROLE OF INTERPRETING
8 WHAT HE OR SHE WROTE DOWN?

9 MR. CAREY: I THINK WE DO THAT ANYWAY
10 INHERENTLY; BUT IF THE PERSON IS NOT AVAILABLE, IF
11 THE CONDITION HAS NOT BEEN CORRECTED, STAFF THAT IS
12 AVAILABLE WILL MAKE SURE THAT THEY CITE IT AND SEE
13 IT THEMSELVES SO THEY CAN BRING THAT FORWARD
14 THROUGH THE HEARING PANEL PROCESS OR ENFORCEMENT
15 ACTION. IT WOULDN'T BE SOMETHING -- IF IT'S
16 CORRECTED, THAT'S WHAT WE WANT. IF IT'S NOT
17 CORRECTED, WE WOULD HAVE STAFF THERE.

18 AND I THINK IN ANY GOOD ENFORCEMENT
19 ACTIVITY, YOU DO THAT JUST BEFORE THE HEARING PANEL
20 ANYWAY WHETHER YOU NOTED THE VIOLATION 30 DAYS AGO.
21 YOU'RE ABOUT TO GO TO A HEARING PANEL, YOU BETTER
22 HAVE BEEN OUT THERE THE DAY BEFORE TO ENSURE THAT
23 THAT CONDITION STILL EXISTS.

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24 MEMBER JONES: WHAT IF AS AN OPERATOR I
25 PUT A PERMIT PACKAGE THROUGH, AND I MEAN WE'VE GOT

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1 A TOTAL OF SOMEWHERE BETWEEN 32 AND 36 DAYS A
2 MONTH, WHICH IS PLENTY, BUT HAVING TAKEN -- ONE
3 PERMIT TOOK ME FIVE AND A HALF YEARS TO GET BECAUSE
4 I HAD A ROTATING STAFF THAT I GOT TO DEAL WITH ALL
5 THE TIME. WHAT IS THAT GOING TO DO TO PERMIT
6 APPLICANTS THAT ARE GOING TO COME THROUGH THIS
7 SYSTEM AS FAR AS HAVING SOMEBODY AVAILABLE TO WALK
8 IT THROUGH CEQA, WALK IT THROUGH THE LOCAL THINGS,
9 DEAL WITH ALL THE, YOU KNOW, DEAL WITH THE
10 PAPERWORK, HOW IS THAT GOING TO BE HANDLED?

11 MR. CAREY: I WOULD SEE THAT MY CIVIL
12 ENGINEER, WHO HAS SOLID WASTE EXPERIENCE, WOULD BE
13 PROBABLY THE KEY PERSON BECAUSE THAT PERSON IS A
14 FULL-TIME PERSON ON THE STAFF AS WELL AS MYSELF.
15 IF YOU LOOK AT THAT TIME TASK ANALYSIS, YOU ARE
16 LOOKING AT A LOT OF THOSE PERMITTING RESPONSI-
17 BILITIES ARE WEIGHTED HEAVILY TOWARDS THE SENIOR
18 INDIVIDUALS IN THE DEPARTMENT ANYWAY, THE PROGRAM
19 MANAGER OR THE CIVIL ENGINEER. SO I WOULD SEE THAT
20 AS BEING THE KEY PERSON THAT WOULD BE DRIVING ANY
21 PERMIT, PERMIT REVISIONS THROUGH.

22 MEMBER JONES: THE -- I FULLY UNDERSTAND
23 THE LAW AND -- DON'T FULLY UNDERSTAND, BUT I

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24 UNDERSTAND THAT THE CITY HAS THE RIGHT TO DO THIS.

25 I WORRY BECAUSE OF A COUPLE OF THINGS. AND ONE OF

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1 THEM IS THAT AT THE CITY COMMITTEE HEARING, THE
2 SOLID WASTE COMMITTEE HEARING OR WHATEVER, THE CITY
3 COUNCIL MEMBERS SAID AND THE CITY MANAGER SAID
4 THINGS LIKE, "WE HAVE TO PROTECT OUR CITY. WE NEED
5 TO BE THE LEA." I DON'T UNDERSTAND HOW THE CITY
6 PROTECTS ITSELF FROM A PRIVATE OPERATOR BY BEING
7 THE LEA.

8 YOU KNOW, I JUST -- I CAN'T -- I CAN
9 IMAGINE HOW THEY CAN DO THAT. I CAN'T BASE MY
10 DECISION ON THAT, BUT I UNDERSTAND HOW AB 59 WORKS,
11 AND I UNDERSTAND WHAT HAPPENS WHEN YOU HAVE
12 REPEATED VIOLATIONS AND THOSE TYPES OF THINGS.

13 BUT I DON'T UNDERSTAND HOW THE CITY
14 COUNCIL MEMBERS SAY THAT THEY AND THE CITY MANAGER
15 SAYS THAT THIS IS A GOOD LEA. THIS IS A HIGHLY
16 RESPECTED LEA, BUT THEY SOLD THEIR SYSTEM AND WE
17 HAVE TO PROTECT OURSELVES, SO WE'RE GOING TO BE THE
18 LEA. I'M HAVING TROUBLE WITH UNDERSTANDING WHAT
19 MECHANISMS CAN BE, YOU KNOW, CAN BE PUT FORWARD AS
20 THE LEA THAT CAN PROTECT THE CITY UNLESS IT'S FINES
21 AND CITATIONS TO THE COMPETITION.

22 MR. CAREY: WELL, AS THE PROGRAM MANAGER
23 OF THE LEA, I CAN JUST TELL YOU, AND I CAN'T

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24 JUSTIFY WHAT WAS SAID BY THE CITY COUNCIL OR BY
25 PREVIOUS CITY MANAGER WHO, AS HAS BEEN REPRESENTED,

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1 HAS LEFT, AND THAT'S TRUE, MR. MCGRORY HAS LEFT THE
2 COUNTY, AND WE JUST THIS LAST WEEK HAVE GOTTEN A
3 NEW CITY MANAGER FROM HUNTINGTON BEACH. SO I CAN'T
4 ADDRESS EXACTLY WHAT THEY SAID. I WASN'T AT THAT
5 CITY COUNCIL MEETING MYSELF WHEN THAT RESOLUTION
6 WAS PASSED.

7 I CAN ASSURE YOU AS PROGRAM MANAGER
8 OF THE LEA THAT I CAN TELL YOU THAT WHETHER YOU ARE
9 A PRIVATE OPERATOR OR IF YOU ARE PUBLIC FACILITY,
10 YOU ARE GOING TO BE TREATED THE SAME, EQUALLY,
11 UNIFORMLY, CONSISTENTLY. AND THAT'S ALL I CAN
12 ASSURE YOU, THE BOARD, THE BOARD STAFF. AND I
13 THINK THAT'S WHAT YOU HAVE TO COME AWAY WITH IS
14 THAT ASSURANCE THAT MYSELF, MY REPUTATION, THAT I'M
15 NOT GOING TO LEAD THE CITY DOWN SOME PATH THAT IS
16 INAPPROPRIATE.

17 AND WE'RE GOING TO HIRE -- I'VE TAKEN
18 MYSELF OUT, AND I CAN STAND UP AND PREACH BECAUSE
19 I'VE TAKEN MYSELF OUT OF CONSIDERATION AS PROGRAM
20 MANAGER FOR THE LEA. I WANT A HIGHLY QUALIFIED --
21 NOT THAT I'M NOT, BUT I WANT A HIGHLY QUALIFIED
22 PERSON. I'D LIKE TO BE PART OF THAT SELECTION
23 COMMITTEE, AND I CAN GUARANTEE YOU THAT, BECAUSE OF

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24 WHAT I HAVE HELPED CREATE, AND LISA WOOD AND MR.

25 HEAP ARE HERE TOO REPRESENTING THE CITY, THAT GERM

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1 THAT WAS GERMINATED AND SPREAD FROM CERTAINLY THE
2 OPERATIONS SIDE OF THIS, AND THAT'S ANOTHER ISSUE
3 THAT I KNOW THAT'S SORT OF UNDERLYING, WHERE IS ALL
4 THIS COMING FROM? WELL, SOMEWHERE THE SEED HAS TO
5 BE PLANTED, AND WHERE ELSE BETTER FROM SOMEONE WHO
6 HAS THE ABILITY AND KNOWLEDGE OF SOLID WASTE.

7 AND MR. HAYES, WHO'S THE DIRECTOR OF
8 ENVIRONMENTAL SERVICES AND HEAD OF OPERATIONS
9 DEPARTMENT, COULDN'T BE A FINER INDIVIDUAL AND A
10 MORE UPRIGHT AND HONEST AND INTEGRIBLE PERSON. I
11 WOULD JUST SAY THAT YOU WILL HAVE TO JUST TRUST ME,
12 MR. JONES, THAT I WILL ASSURE YOU THAT WHETHER YOU
13 ARE A PRIVATE OPERATOR OR YOU'RE A PUBLIC FACILITY,
14 YOU'RE GOING TO BE TREATED THE SAME IN THE CITY OF
15 SAN DIEGO.

16 MEMBER JONES: YOUR INTEGRITY IS NOT IN
17 QUESTION BY ME. THIS IS AN ISSUE THAT I DON'T EVEN
18 THINK THAT MY INDUSTRY WANTS ME TO GET INVOLVED IN
19 OR THAT ANYBODY WANTS ME TO GET INVOLVED IN, BUT
20 IT'S BEEN AN ISSUE THAT HAS ALWAYS BOTHERED ME,
21 OKAY, FOREVER. AND IT BOTHERS ME WHEN A CITY
22 COUNCIL THINKS THAT THE LEA CAN BE A TOOL TO
23 EQUALIZE RATES.

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24 AND ONE OF THE -- I THINK MS. KETO OR
25 MS. KETO OR SOMETHING LIKE THAT, CITY COUNCILPERSON

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1 ON THAT COMMITTEE, KEOGH, SAID, YOU KNOW, SYCAMORE
2 MUST STAY IN PUBLIC HANDS. THE LAST THING WE WANT
3 IS A LANDFILL TO BE TURNED OVER TO A PRIVATE
4 COMPANY BEHOLDEN ONLY TO THEIR STOCKHOLDERS. WE'D
5 BE AT THE MERCY OF A PRIVATE COMPANY. THEY COULD
6 TAKE THE TRASH MARKET OUT OF MIRAMAR, WHICH WOULD
7 MESS UP OUR LONG-TERM PROJECTIONS. THIS COULD BE A
8 VERY SERIOUSLY DAMAGING CONDITION FOR THE CITIZENS
9 OF SAN DIEGO.

10 I AGREE THAT HER CONCERNS ARE
11 PROBABLY VALID, OKAY, NOT VALID, BUT I MEAN SHE'S
12 AN ELECTED OFFICIAL. SHE'S WORRIED ABOUT HER
13 CONSTITUENCY. BUT I'M WONDERING HOW DO PEOPLE
14 WOULDN'T GO TO MIRAMAR WOULD GO TO SYCAMORE. WOULD
15 THEY GO BECAUSE THE RATE WOULD BE LOWER? WHAT'S
16 THE IMPACT ON THE RATEPAYER IF THE RATE IS LOWER?

17 TO ME, IF THE RATE'S LOWER, THEIR
18 RATES GO DOWN. SO, YOU KNOW, WHEN I HEAR SOMETHING
19 LIKE THAT, WHEN I HEAR SOMETHING LIKE THAT ON A
20 TAPE, AND THEN I HEAR THAT THERE IS THIS LINK
21 BETWEEN THE LEA ACTIVITIES AND THE CITY MANAGER'S
22 OFFICE, OKAY, THAT IN THE OPERATIONAL OR
23 ORGANIZATIONAL CHART, YOU ARE GOING TO ANSWER THE

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24 DEPARTMENT OF SERVICES DEPARTMENT, MS. TINA

25 CHRISTIANSON, BUT ALSO TO THE CITY MANAGER, WHO IS

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1 THE SAME PERSON THAT THE SOLID WASTE DEPARTMENT
2 GOES TO. AND BELIEVE ME, THAT HAPPENS. THAT
3 HAPPENS ALL THE TIME. BUT YOU UNDERSTAND WHAT I'M
4 SAYING? I'M LOOKING AT A STAFFING REQUIREMENT
5 HERE. I'M LOOKING AT STAFF THAT'S NOT GOING TO BE
6 AROUND. THEY'RE MOONLIGHTING. I'M LOOKING AT
7 RATES THAT IN THE -- THE THING SAID THE RATES ARE
8 GOING TO GO UP FOR INSPECTIONS WHERE THEY'RE NOT --
9 YOU KNOW, THEY STAY THE SAME NOW, I THINK, BECAUSE
10 THERE IS A -- THERE'S -- YOU ARE SPREADING IT OUT
11 OVER THE WHOLE COUNTY. SO WHEN YOU GO TO ONE CITY,
12 OBVIOUSLY THERE'S MORE -- YOU KNOW, YOU DON'T GET
13 THAT ECONOMIES OF SCALE. SO THE COST IS GOING TO
14 GO UP.

15 AND THEN I HEAR COUNCIL PEOPLE SAYING
16 WE GOT TO PROTECT OURSELVES. WE CAN'T LET THIS
17 HAPPEN. WE'RE GOING TO BE THE LEA. WE'RE GOING TO
18 PROTECT OURSELVES. TELL ME WHAT CONCLUSION. YOU
19 KNOW WHAT I'M SAYING?

20 MR. CAREY: MR. FRAZEE WAS A CITY COUNCIL
21 MEMBER AND THE MAYOR OF A SMALL CITY IN SAN DIEGO
22 COUNTY AT ONE TIME, AND YOU CAN'T CONTROL WHAT CITY
23 ELECTED OFFICIALS SAY. YOU CAN'T STAND UP THERE

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24 AND TELL YOU.

25 MEMBER JONES: I UNDERSTAND, BUT AT THE

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1 SAME TIME THEY THANK THE STAFF. AND I THINK RICH
2 HAYES AND EPPLER ARE GOOD PEOPLE. BELIEVE ME, I'M
3 NOT LOOKING AT THIS FOR THE CITY OF SAN DIEGO.
4 OKAY. I MEAN I AM, BUT THIS HAS GOT A STATEWIDE
5 EFFECT. THIS IS A HUGE ISSUE WHEN THE CITY SAYS
6 COUNTY'S A GREAT LEA. COUNTY IS ABSOLUTELY A
7 WONDERFUL LEA. WE WANT TO BE IN CONTROL. WE WANT
8 OUR OWN HEARING PANEL. STAFF SAYS YOU CAN HAVE
9 YOUR OWN HEARING PANEL. WE'RE GOING TO DECERTIFY,
10 WE'RE GOING TO COME UP WITH A CONSULTANT AND
11 PART-TIME MOONLIGHTERS TO FILL A FUNCTION. YOU
12 KNOW, YOU GOT TO KIND OF -- I WORRY ABOUT A POLICY
13 THAT WE'RE SETTING --

14 MR. CAREY: I PROBABLY HAVE THE MOST
15 QUALIFIED STAFF WORKING FOR ME ON A SHORT-TERM
16 BASIS THAN ANYBODY ELSE IN THE STATE. I PICKED
17 INDIVIDUALS FROM THOSE JURISDICTIONS THAT HAVE OVER
18 50 YEARS SOLID WASTE EXPERIENCE. SO I THINK --
19 LOOK AT IT FROM MY PERSPECTIVE. I SURROUNDED
20 MYSELF WITH EXPERTS THAT HAVE, YOU KNOW, THE MOST
21 CURRENT KNOWLEDGE; AND AS AN ADMINISTRATOR, I'M
22 GOING TO BE ABLE TO HAVE FULL UTILIZATION OF THOSE
23 PEOPLE WHETHER I'M USING INSPECTIONS, PERMITTING,

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24 OR ENFORCEMENT ACTIVITY. SO I FEEL LIKE I'M AT THE
25 OTHER END OF THE SPECTRUM WHERE I HAVE THE BEST OF

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1 ALL WORLDS FOR A SHORT PERIOD OF TIME TILL WE HAVE
2 OUR OWN FULL-TIME STAFF ON BOARD.

3 ALL I CAN DO IS REITERATE THAT, YOU
4 KNOW, THERE WILL BE EQUAL TREATMENT. YOU KNOW, THE
5 MARKET -- I'M NOT WORRIED ABOUT WHERE THE MARKET
6 GOES, WHETHER, YOU KNOW, THE PRIVATE OPERATOR
7 REDUCES THE TIPPING FEES DOWN TO WHERE THEY'RE
8 ATTRACTING. THAT'S NOT -- I'M NOT WORRIED ABOUT
9 THAT. I'M GOING TO STAND TOE TO TOE WITH THE RICH
10 HAYES AND BOB EPPLERS OF THE WORLD, AND WHOEVER WE
11 HIRE TO REPLACE ME IS GOING TO BE ABLE TO HAVE THAT
12 SAME ABILITY TO DO THAT. SO I CAN JUST ASSURE
13 YOU --

14 MEMBER JONES: I DON'T CARE WHERE THE
15 GARBAGE GOES EITHER, BELIEVE ME. THIS IS A
16 DIFFERENT ISSUE FOR ME.

17 TWO REAL QUICK QUESTIONS BEFORE I'M
18 DONE. WHO INSPECTS THE RESTAURANTS IN THE CITY OF
19 SAN DIEGO?

20 MR. CAREY: COUNTY HEALTH DEPARTMENT,
21 ENVIRONMENTAL HEALTH SERVICES.

22 MEMBER JONES: AND THE PUBLIC SWIMMING
23 POOLS?

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24 MR. CAREY: SAME THING.

25 MEMBER JONES: SO ALL -- THE ONLY FUNCTION

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1 IS GOING TO BE TO OVERSEE THE GARBAGE?

2 MR. CAREY: WELL, IF YOU ARE TALKING ABOUT
3 ENVIRONMENTAL DISCIPLINES, THERE'S HOUSING AND THE
4 CITY OF SAN DIEGO DOES THEIR OWN HOUSING.

5 MEMBER JONES: ALL RIGHT. THANKS.

6 CHAIRMAN FRAZEE: MY TURN.

7 MEMBER JONES: THANKS FOR BEING PATIENT
8 WITH ME, MR. CHAIRMAN. I APPRECIATE IT.

9 CHAIRMAN FRAZEE: AS I UNDERSTAND THE
10 STATUTE, ONE OF THE KEY CORNERSTONES IS THIS
11 SEPARATION OF THE LEA FACILITY FROM THE OPERATIONAL
12 SIDE. AND THAT IS THE BASIS OF MY CONCERN ON THIS
13 WHOLE PROPOSAL. AND I FULLY UNDERSTAND THAT THE
14 CITY OF SAN DIEGO HAS COMPLIED WITH THE LAW. THE
15 STAFF RECOMMENDATION IS TO GRANT THIS AUTHORITY,
16 BUT I'M STILL TROUBLED. AND I THINK YOU, MR.
17 CAREY, ADDED TO MY TROUBLE.

18 AND, WELL, FIRST OF ALL, YOUR
19 STATEMENT THAT THE COUNTY NOW DOESN'T HAVE ANY
20 OPERATIONAL ROLE IN SOLID WASTE FACILITIES,
21 THEREFORE, THEIR LEA SHOULDN'T PERFORM IN THAT
22 AREA. AND I THINK THAT -- THEREIN LIES THE IDEAL
23 SITUATION. IF YOU ARE GOING TO HAVE TRUE

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24 SEPARATION, YOU HAVE A COUNTY STAFF WHICH HAS NO
25 OPERATIONAL FACILITIES OR OPERATIONAL CAPABILITIES

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1 WITHIN THE COUNTY AT ALL, AND SO THAT MEETS THE
2 TRUE TEST OF THE SPIRIT OF THE STATUTE, ANYWAY.

3 AND MY MAJOR CONCERN ALL ALONG HAS
4 BEEN, I THINK, SOMEWHAT MISTAKEN VIEW BY CITY OF
5 SAN DIEGO PEOPLE THAT BY BEING THEIR OWN LEA,
6 THEY'RE GOING TO BE ABLE TO ENFORCE THINGS OTHER
7 THAN THE STATUTE, THE WASTE STATUTES. AND YOU USED
8 THE TERM CONDITIONAL USE PERMITS AND ON AND ON, AND
9 THERE ARE SOME STATEMENTS, AND I CAN'T FIND THEM IN
10 YOUR APPLICATION, BUT STATEMENTS THAT SAY SOMETHING
11 TO THAT EFFECT, THAT THE LEA'S CAN HAVE OTHER
12 DUTIES. THEY CAN ENFORCE OTHER LAWS.

13 AND THAT IS WHAT CAUSES ME SOME
14 CONCERN IS KEEPING THEM ON THE STRAIGHT AND NARROW
15 VERSUS THEM GETTING OVER INTO THE ENFORCEMENT OF
16 LAND USE. AND THAT GOES BACK ALSO TO THE QUESTION
17 OF WHERE THIS IS LOCATED. AND I DON'T KNOW WHERE
18 YOU PUT IT, BUT IN THE TABLE OF ORGANIZATION, IT'S
19 PLUGGED INTO DEVELOPMENTAL SERVICES, AND LAND USE
20 OPERATIONS CONTROL ARE LOCATED IN DEVELOPMENTAL
21 SERVICES. AND I DON'T QUITE UNDERSTAND. YOU KNOW,
22 THEY HAVE TO BE SOMEWHERE, BUT THEN THERE'S THE
23 DOTTED LINE THAT HAS THEM REPORTING DIRECTLY BACK

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24 TO THE CITY MANAGER. SO I'M HAVING SOME TROUBLE
25 COMPREHENDING THAT WHOLE SITUATION.

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1 MR. CAREY: LET ME TRY TO ANSWER THE FIRST
2 ISSUE THAT YOU RAISED. IF I MISSPOKE OR IF I SAID
3 SOMETHING THAT LED YOU TO BELIEVE THAT WE'RE NOT --
4 THAT WE WANT SOME SORT OF CONTROL BECAUSE THE
5 COUNTY HAD SOLD THEIR SYSTEM, THAT MADE THEIR LEA
6 NOT AS APPRECIATED OR NOT AS WELL THOUGHT OF, I
7 DIDN'T MEAN TO SEND THAT INTENT AT ALL.

8 I MEAN, LIKE I HAD TRIED TO SAY, WE
9 TRIED TO CONTINUE THIS TO WORK WITH THEM AND
10 CONTRACT WITH THAT LEA, BUT THEY CHOSE NOT TO WORK
11 WITH US, AND FOR WHATEVER REASONS. I DON'T EVEN
12 KNOW THE REASONS BEHIND IT. THEY'RE JUST
13 CIRCUMSTANCES BEYOND THEIR CONTROL, AND DANIEL
14 AVERA MADE IT PERFECTLY CLEAR THAT HE WASN'T AT
15 LIBERTY TO CONTINUE TO CONTRACT WITH US.

16 SO WE HAD TO CHOOSE OTHER OPTIONS.
17 SO IF I SOMEHOW LED YOU TO A DIFFERENT IMPRESSION,
18 THAT CERTAINLY IS NOT THE INTENT. BUT I WAS
19 TALKING ABOUT MORE WHAT THE OVERALL REGIONAL SOLID
20 WASTE PICTURE WHERE THE COUNTY HAS ALWAYS BEEN, AND
21 YOU KNOW THROUGH SANDAG AND ORGANIZATIONS LIKE THAT
22 THAT THE COUNTY HAS ALWAYS BEEN THE PERSON LOOKING
23 FOR WHERE ARE WE GOING TO PLACE THE NEXT LANDFILL.

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24 THEY'VE ALWAYS TAKEN THE LEADERSHIP ROLE ON THAT,
25 AND WITHOUT THE OPERATIONS SIDE ON THAT NOW. AND

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1 I'LL BE VERY BLUNT. THE CHIEF ADMINISTRATIVE
2 OFFICER OF THE COUNTY STATED TO CITY DIRECTOR THAT
3 WAS THE CITY INTERESTED IN BEING THE LEA FOR THE
4 WHOLE COUNTY. THAT GIVES YOU THE INTENT OF WHERE
5 THE COUNTY MAY BE COMING FROM.

6 IF YOU TALK ABOUT A CITY
7 COUNCILMEMBER MISSPEAKING, HERE'S THE CHIEF
8 ADMINISTRATIVE OFFICER SAYING, "DOES THE CITY WANT
9 TO BE THE LEA FOR THE WHOLE COUNTY?" WHERE IS THAT
10 COMING FROM? THAT LEADS ME IN MY MIND TO THINK
11 THAT THERE'S SOME OTHER INTENT. MAYBE THEY'RE NOT
12 JUST GETTING RID OF THEIR OPERATIONS SIDE OF THIS
13 THING.

14 SO THAT PUT ASIDE, AS FAR AS THE
15 SEPARATION ISSUE, THE FORMER GOVERNMENT THAT WE HAD
16 IN THE CITY IS OBVIOUSLY A CITY MANAGER TO THE
17 COUNCIL. AND INITIALLY WHEN WE DID THIS, IN
18 LOOKING AT IT IN JULY, WE SAID, "WELL, IT MAKES
19 SENSE TO PUT THIS UNDER THE DEVELOPMENT SERVICES
20 DEPARTMENT THAT'S SEPARATE AND APART. IT'S BURIED.
21 IT'S CERTAINLY AWAY FROM, BUT EVERYBODY, ALL THOSE
22 DEPARTMENTS, WHETHER YOU'RE ENVIRONMENTAL SERVICES
23 OR PUBLIC WORKS, YOU ARE ALL GOING UP TO THE CITY

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24 MANAGER AT SOME POINT. SO THE FURTHER DOWN YOU
25 BURY THEM. IT'S JUST LIKE THE CHIEF ADMINISTRATIVE

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1 OFFICER IN THE COUNTY. EVENTUALLY KEN CALVERT
2 GETS UP THAT HIGH. MIGHT HAVE TO GO THROUGH A
3 BUNCH OF LAYERS TO GET THERE, BUT THEY END UP BEING
4 DICTATED BY THE CHIEF ADMINISTRATIVE OFFICER.

5 SO WHAT WE LOOKED AT WAS DEVELOPMENT
6 OF SERVICES. THEN WE SAID, "WELL, WE HAVE THOSE
7 ISSUES. THIS IS THE SAME GROUP THAT DOES CEQA.
8 THIS IS THE SAME GROUP THAT MAKES LAND USE
9 DECISIONS. THIS IS THE SAME GROUP THAT PERMITS AND
10 DOES CONDITIONAL USE PERMITS. MAYBE WE NEED TO
11 EVEN HAVE FURTHER SEPARATION. WE CAN'T HAVE THE
12 SAME DEPARTMENT HEAD WEARING THE HAT SAYING, "WELL,
13 THE CEQA PEOPLE WIN ON THIS ONE. YOU LEA GUYS,
14 THIS IS GOING TO BE PART OF TERMS OR CONDITION YOU
15 PUT IN A PERMIT," WHICH WE SAID, "WELL, MAYBE LET'S
16 EVEN GET IT FURTHER SEPARATED. WE'LL GO DIRECTLY.
17 THAT AUTHORITY WILL GO DIRECTLY TO THE CITY MANAGER
18 AND HAVE EQUAL STATUS OF THAT DEPARTMENT HEAD
19 THAT'S SITTING IN ENVIRONMENTAL OR DEVELOPMENTAL
20 SERVICES."

21 SO WHAT WE'RE DOING AND WHAT WILL
22 COME BACK TO THIS BOARD AT SOME POINT IN THE FUTURE
23 IS PROBABLY A RESOLUTION FROM COUNCIL SAYING THAT

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24 THIS WILL BE LOCATED AND WORK DIRECTLY FOR THE CITY
25 MANAGER, SO THERE WILL BE EVEN MORE AUTONOMY. I

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1 HOPE THAT ANSWERS SOME OF YOUR CONCERNS.

2 CHAIRMAN FRAZEE: THE -- YOU MIGHT TOUCH
3 ON THE ISSUE OF YOUR STATEMENT THAT THE LEA'S WOULD
4 BE ENFORCING CONDITIONAL USE PERMITS.

5 MR. CAREY: I GUESS WHAT I'M TRYING TO SAY
6 AND WHAT I'VE SEEN OTHER LEA'S IN THEIR EPP'S SAY
7 IS THAT IF THOSE TERMS AND CONDITIONS BECOME PART
8 OF THE PERMIT, THEN THEY HAVE AUTHORIZATION TO
9 ENFORCE, WHETHER IT'S A TRAFFIC, YOU KNOW, FLOW OR
10 SOMETHING AS LONG AS IT RELATES BACK TO CERTAINLY
11 THE MINIMUM STANDARDS. BUT THAT IS ALL I MEANT BY
12 THAT.

13 I MEAN MANY TIMES THE CONDITIONAL USE
14 PERMITS, THE CEQA REQUIREMENTS, THEY'RE ALL
15 INCORPORATED INTO THOSE PERMITS. AND AS SUCH THEN
16 THE LEA IS WEARING WHATEVER THAT ENFORCEMENT HAT IS
17 IS MY UNDERSTANDING.

18 CHAIRMAN FRAZEE: I THINK, CORRECT ME IF
19 I'M WRONG, IN ONE OF THE MULTIPLE SAN MARCOS CASES,
20 THE COURT RULED THAT THE LEA DID NOT HAVE THE
21 AUTHORITY TO ENFORCE LAND USE ISSUES EVEN THOUGH
22 THEY WERE INCORPORATED IN THE PERMIT.

23 MR. CAREY: THEN I STAND CORRECTED. IF

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24 THAT WAS A LEGAL FINDING THAT THEY FOUND, I DON'T
25 KNOW IF IT HAD ANY -- IF IT MADE A DIFFERENCE THAT

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1 THE CITY OF SAN MARCOS WAS TRYING TO DO THE
2 ENFORCEMENT THEMSELVES OUTSIDE THE COUNTY. THIS
3 PARTICULAR CASE WILL BE THE SAME JURISDICTION AS
4 THE CITY ITSELF. I DON'T KNOW IF THAT MAKES ANY
5 DIFFERENCE OR NOT. I'M NOT FAMILIAR WITH THAT
6 RULING.

7 WE'RE NOT GOING TO DO SOMETHING
8 THAT'S OBVIOUSLY ILLEGAL AND THAT WE DON'T HAVE THE
9 AUTHORITY TO DO. AND I'M SURE THE OPERATOR,
10 WHETHER PUBLIC OR PRIVATE, WILL CHALLENGE US
11 IMMEDIATELY ON THAT IF WE'RE TRYING TO DO SOMETHING
12 THAT'S OUTSIDE THE SCOPE OF OUR AUTHORITY. AND I
13 WOULD LOOK TO THE DIRECTION OF YOUR BOARD STAFF TO
14 HELP ME ON THAT. I PLAN PERSONALLY, ALONG WITH THE
15 CIVIL ENGINEER, TO BE ATTENDING THE MOST RECENT
16 TRAINING THAT'S GOING TO BE PROVIDED TO US AND
17 THROUGH THE BOARD IN ASILIMAR NEXT WEEK. SO I'M
18 HOPING TO HIT THE GROUND RUNNING AND BE ABLE TO
19 PROTECT THE PUBLIC HEALTH AND SAFETY AS YOU WANT.

20 CHAIRMAN FRAZEE: YOU HAVE ANYTHING?

21 MEMBER RELIS: I'LL HAVE SOME COMMENTS.

22 CHAIRMAN FRAZEE: WE HAVE MR. HEAP AND MS.
23 WOOD FROM THE CITY OF SAN DIEGO THAT MAY WISH TO

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24 ADDRESS US TOO.

25 MR. CAREY: I DIDN'T GET AN OPPORTUNITY

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1 WHEN I FIRST WALKED UP HERE. I JUST WANTED TO
2 PUBLICLY THANK YOUR BOARD STAFF FOR THE MANNER --
3 THE WAY THEY HANDLED THIS, THIS VERY SHORT NOTICE,
4 EVERYONE FROM MISS RICE TO MR. UNSELL TO MARY COYLE
5 AND CHRISTINE MCCrackEN HAVE BEEN VERY HELPFUL IN
6 EXPEDITING THIS PROCESS FOR US AND WE APPRECIATE
7 THAT. AND WE CERTAINLY CONCUR WITH THE STAFF
8 RECOMMENDATION. THANK YOU.

9 MR. HEAP: THANK YOU, MR. CHAIRMAN. MY
10 NAME IS ELMER HEAP. I'M IN THE CITY ATTORNEY'S
11 OFFICE IN THE CITY OF SAN DIEGO. I JUST WANTED TO
12 MAKE TWO POINTS IF I COULD, AS I HEARD SOME OF THE
13 QUESTIONS THAT WERE ASKED THIS MORNING.

14 THE FIRST IS AS IT RELATES TO OUR
15 OFFICE AND WHAT WE PLAN TO DO IN PROVIDING LEGAL
16 ADVICE TO THE LEA. WE MET LAST MONDAY, OCTOBER
17 27TH, WITH TOM MONTGOMERY FROM COUNTY COUNSEL, WHO,
18 AS YOU KNOW, PROVIDES LEGAL ADVICE TO THE LEA AT
19 THE PRESENT TIME. AND ALONG WITH ME WAS THE
20 ASSISTANT CITY ATTORNEY AND TWO ATTORNEYS IN OUR
21 OFFICE THAT ARE IN THE ENFORCEMENT AREA OF OUR
22 OFFICE.

23 AND OUR OFFICE AT THE PRESENT TIME IS

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24 DETERMINING EXACTLY WHERE THE INDIVIDUAL WHO WILL
25 PROVIDE THESE LEGAL ADVICE TO THE LEA, WHERE THAT

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1 INDIVIDUAL WILL BE LOCATED IN THE OFFICE. AND
2 CLEARLY IT WON'T BE ME. I'M PRESENTLY ONE OF THE
3 LEGAL -- WELL, I'M THE LEGAL ADVISOR TO THE
4 ENVIRONMENTAL SERVICES DEPARTMENT. AND WE KNOW
5 THAT IT CAN'T BE ME. SO OUR OFFICE IS PREPARED
6 RIGHT NOW TO DETERMINE WHO WOULD BEST HANDLE
7 PROVIDING LEGAL ADVICE TO THE LEA. NOT ONLY IS IT
8 NOT GOING TO ME, IT'S NOT EVEN GOING TO BE ANYBODY
9 WITHIN THE DIVISION THAT I WORK IN WITHIN THE
10 OFFICE.

11 AS MANY OF YOU KNOW ALREADY, THE CITY
12 ATTORNEY WITHIN THE CITY OF SAN DIEGO IS AN ELECTED
13 OFFICIAL AND IS INDEPENDENT FROM THE CITY COUNCIL
14 AND THE CITY MANAGER'S OFFICE.

15 THE SECOND POINT, I HOPE, SHEDS MAYBE
16 SOME LIGHT. I'M NOT HERE TO TRY TO JUSTIFY SOME OF
17 THE COMMENTS MADE BY THE CITY COUNCIL AND BY THE
18 MAYOR AND BY THE CITY MANAGER. ONE THING NEEDS TO
19 BE NOTED, AND I KNOW BASED UPON YOUR QUESTIONS,
20 THAT YOU'VE CAREFULLY REVIEWED THE RECORD. NOT
21 ONLY WAS THE ISSUE OF THE LEA IN FRONT OF THE CITY
22 COUNCIL, IN FRONT OF THE NRC COMMITTEE THAT WAS
23 REFERRED TO, BUT ALSO THERE WAS AN ISSUE IN FRONT

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24 OF THE CITY COUNCIL THAT RELATED TO AN ORDINANCE,
25 SOLID WASTE FACILITY ORDINANCE, THAT WE ASKED THE

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1 COUNCIL PASS THAT WOULD GIVE THE CITY COUNCIL SOME
2 AUTHORITY AS IT RELATES TO REGULATING THOSE
3 OPERATING SOLID WASTE FACILITIES WITHIN THE CITY OF
4 SAN DIEGO, THAT PRIOR TO THEM OPERATING THE
5 FACILITY WITHIN THE CITY OF SAN DIEGO, THEY WOULD
6 NEED TO OBTAIN A FRANCHISE OR SOME TYPE OF AN
7 AGREEMENT WITH THE CITY OF SAN DIEGO.

8 SO THOSE ISSUES WERE BEING TALKED
9 ABOUT AT THE SAME TIME ALONG WITH THIS LEA ISSUE.
10 IN ADDITION, THERE WERE ISSUES TALKED ABOUT AS IT
11 RELATES TO THE CUP AND THE COUNTY'S COMPLIANCE WITH
12 THE CUP AND TO CAREFULLY REVIEW THE CUP TO
13 DETERMINE WHETHER OR NOT THE COUNTY WAS COMPLYING
14 WITH THE CUP AS IT RELATES TO OPERATING SYCAMORE
15 CANYON LANDFILL.

16 SO SOME OF THE COMMENTS THAT WERE
17 MADE MAY HAVE BEEN IN RELIANCE UPON SOME OF THE
18 OTHER ISSUES THAT WERE TALKED ABOUT AT THE
19 COMMITTEE MEETING AND AT THE CITY COUNCIL, AND
20 PERHAPS THEY WERE THINKING ABOUT SOME OF THE ISSUES
21 THAT WERE RAISED AS IT RELATES TO THE SOLID WASTE
22 FACILITY ORDINANCE AND SOME OF THE CONTROLS THAT
23 THE CITY WOULD HAVE IN EXERCISING ITS POLICE POWERS

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24 IN THAT MANNER. SO I JUST WANTED TO MAKE THOSE TWO
25 COMMENTS AT THIS TIME.

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1 MEMBER JONES: THAT WAS WHAT GOT MY
2 ATTENTION WAS THE FACT THAT I DIDN'T CARE ABOUT THE
3 FRANCHISE AGREEMENT. I THINK THAT'S REASONABLE. I
4 THINK THAT THE CUP, THAT'S WITHIN THE CITY'S
5 JURISDICTION. BUT WHEN YOU PUT ALL THREE OF THEM
6 TOGETHER AS POLICE ACTIONS TO CONTROL YOUR DESTINY,
7 THAT GETS VERY WORRISOME TO ME.

8 I MEAN THAT'S ACTUALLY WHAT CREATED
9 THE BIGGEST PART OF THE PROBLEM FOR ME WAS THAT,
10 OKAY, GOT AN ORDINANCE WHICH IS GOING TO BE ABLE TO
11 SET DOWN STANDARDS FOR -- CITY STANDARDS ON HOW
12 THESE PEOPLE ARE GOING TO OPERATE. YOU ARE GOING
13 TO DEAL WITH CUP'S, THAT'S GOING TO DEAL WITH THE
14 LAND ISSUES, THAT'S GOING TO DEAL WITH THE TRAFFIC,
15 BUT YOU INCLUDE LEA ACTIVITY. YOU KNOW WHAT I'M
16 SAYING? THAT'S WHAT REALLY TRIGGERED WHY ARE WE
17 DOING THIS? YOU KNOW, WHY ARE WE SO INTENT THAT AN
18 LEA IS GOING TO BE ABLE TO CONTROL OUR DESTINY?
19 THAT SCARES ME A LOT.

20 I MEAN, YOU KNOW, I THINK THAT THIS
21 IS AN INEVITABLE, YOU KNOW, RIGHT WITHIN THE CITY
22 THAT AT SOME POINT THEY GET THERE. I THINK WHERE
23 MY CONCERN IS THAT THERE'S BEEN SUCH A RUSH HERE TO

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24 REACT TO THE SALE OF THE SAN DIEGO COUNTY SYSTEM,
25 THAT SOMETIMES IN A, YOU KNOW, IN A REAL EFFORT TO

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1 TRY TO PROTECT THE CITIZENS, MAYBE PEOPLE GO A
2 LITTLE BIT WHACKED AND TRY TO INCLUDE A WHOLE LOT
3 MORE THAT DOESN'T NEED TO BE THERE.
4 I WORRY -- I THINK THE STAFF THAT MR.
5 CAREY HAS DONE -- I MEAN I'VE CHECKED AROUND.
6 THESE ARE ALL GOOD LEA'S AND PEOPLE HAVE A LOT OF
7 RESPECT FOR, BUT I HAVE A REAL PROBLEM IF SOMEBODY
8 PUTS A PERMIT FORWARD AND IT TAKES A YEAR OR SIX
9 MONTHS OR EIGHT MONTHS BECAUSE THE PERSON WORKING
10 ON THE PERMIT CAN ONLY BE THERE THREE HOURS A WEEK.
11 I DON'T THINK THAT'S A SERVICE THAT THE CITY
12 WANTS -- YOU KNOW, I DON'T THINK THAT'S THE LEVEL
13 OF SERVICE THAT THE CITY WANTS TO BE ABLE TO
14 PROVIDE, YOU KNOW. AND HOW DO WE ENSURE THAT THAT
15 DOESN'T HAPPEN, YOU KNOW, THAT THOSE ARE THE
16 TYPES -- YOU KNOW, OR THAT SOMEBODY HAS A HEARING
17 PANEL, THINGS LIKE THAT.
18 IT WOULD SEEM TO ME IT WOULD HAVE
19 BEEN, YOU KNOW, WOULD HAVE BEEN A LITTLE MORE --
20 WOULD HAVE BEEN NICE IF THERE WAS MORE TIME, THAT,
21 YOU KNOW, SOMETHING COULD HAVE BEEN REALLY LAID OUT
22 THAT MADE PEOPLE UNDERSTAND. I GOT VERY NERVOUS
23 WHEN I HEARD THAT COMMITTEE MEETING AND PEOPLE

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24 THANKING THE SOLID WASTE DEPARTMENT FOR MAKING THEM
25 AWARE OF WHAT THE POTENTIAL DISASTERS COULD BE AND

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1 THIS AND THAT. I JUST DON'T SEE THAT AS AN LEA'S
2 CHARGE. UNFORTUNATELY, WHEN THE LEA'S THINK THAT
3 THAT IS THEIR CHARGE, THEN WE HAVE REAL PROBLEMS.
4 MR. HEAP: I CAN REPRESENT TO YOU, MR.
5 JONES, AND TO EACH OF YOU HERE THAT CLEARLY THE
6 CITY OF SAN DIEGO WILL ACT AS ITS LEA AND PERFORM
7 THAT FUNCTION, PERIOD. WILL NOT GO BEYOND THAT
8 SCOPE. OBVIOUSLY WE HAVE OTHER MECHANISMS SET UP
9 TO HELP US IN OTHER AREAS FOR WHICH WE'RE CONCERNED
10 ABOUT TO ENSURE THE PUBLIC SAFETY OF THE CITIZENS
11 OF SAN DIEGO. WE WILL FUNCTION AS THE LEA AND ONLY
12 AS AN LEA AND MAKE SURE THAT WE DO THAT. AND OUR
13 OFFICE, THE CITY ATTORNEY'S OFFICE, WILL PROVIDE
14 THE BEST POSSIBLE LEGAL ADVICE IN ASSISTING THE LEA
15 IN PERFORMING ITS FUNCTION.
16 CHAIRMAN FRAZEE: THANK YOU. LISA WOOD.
17 MS. WOOD: GOOD MORNING, COMMITTEE
18 MEMBERS. MY NAME IS LISA WOOD. I'M FROM THE CITY
19 OF SAN DIEGO. I ALSO AM THE CHAIRPERSON OF THE
20 REGIONAL TECHNICAL ADVISORY COMMITTEE TO SANDAG
21 SERVING AS THEIR LOCAL TASK FORCE FOR AB 939. SO I
22 HAVE A LITTLE BIT OF A REGIONAL PERSPECTIVE ON SOME
23 OF THESE ISSUES.

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24 I JUST WANTED TO MAKE A FEW COMMENTS,
25 AND I'LL KEEP THEM VERY BRIEF AND I'LL BE HAPPY TO

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1 ANSWER ANY QUESTIONS.

2 WITH REGARD TO SOME OF THE
3 DISCUSSIONS, THE TECHNICAL ADVISORY COMMITTEE HAS
4 BEEN VERY CONCERNED IN THE SAN DIEGO REGION, FOR
5 EXAMPLE, ABOUT HOUSEHOLD HAZARDOUS WASTE ISSUES.
6 JUST TALKING WITH YOUR LOCAL ASSISTANCE STAFF ABOUT
7 SOME PROBLEMS THAT WE'RE HAVING IN THE REGION.

8 THE COUNTY HAD PREVIOUSLY FUNDED A
9 LOT OF THE HOUSEHOLD HAZARDOUS WASTE PROGRAMS FOR
10 THE OTHER CITIES THROUGH THE TIPPING FEES AT THE
11 LANDFILL AND HAS RECENTLY NOTIFIED THE OTHER CITIES
12 THAT THEY WILL NO LONGER BE PROVIDING THAT
13 FUNDING. THEY DID FINALLY, AS A LAST-MINUTE
14 EFFORT, AGREE TO FUND THEM THROUGH JULY 1ST, WHICH
15 AT LEAST GIVES SOME OF THE SMALLER CITIES SOME
16 BREATHING ROOM TO FIGURE OUT HOW THEY'RE GOING TO
17 FUND THESE PROGRAMS.

18 ALSO, THE WOMAN WHO WAS RESPONSIBLE
19 FOR PROVIDING THESE PROGRAMS WITH THE COUNTY, PAM
20 JACKSON, HAS GONE TO ANOTHER PROGRAM. SO MY
21 UNDERSTANDING IS MR. CALVERT, WHO ALSO RUNS THE
22 LEA, WILL BE TAKING OVER THE HOUSEHOLD HAZARDOUS
23 WASTE PROGRAM ON BEHALF OF THE COUNTY. AND HE'S

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24 TRYING TO WORK THROUGH MY COMMITTEE, THE TECHNICAL
25 ADVISORY COMMITTEE, TO ASSIST THE OTHER CITIES IN

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1 FIGURING OUT HOW THEY'RE GOING TO PROVIDE FUNDING
2 AND HOW THEY'RE GOING TO PROVIDE A REGIONAL
3 HOUSEHOLD HAZARDOUS WASTE PROGRAM.

4 SO THIS IS AN EXAMPLE OF SOME OF THE
5 ISSUES THAT THE COUNTY AND THE CITIES WITHIN THE
6 COUNTY ARE DEALING WITH AS A RESULT OF THE COUNTY
7 GETTING OUT OF THE SOLID WASTE BUSINESS? IT HAS
8 HAD AN IMPACT TO THE REGION. AND THROUGH THE
9 TECHNICAL ADVISORY COMMITTEE WE'RE TRYING TO DEAL
10 WITH THE AB 939 ISSUES THAT RESULT FROM THAT. I
11 DID WANT TO MENTION THAT.

12 I'VE WORKED QUITE A BIT WITH MR.
13 CALVERT AND HAVE INVITED HIM TO COME AND SPEAK TO
14 THE TECHNICAL ADVISORY COMMITTEE ON SOME OF THE
15 PROJECTS THAT HE'S WORKING ON. FOR EXAMPLE, HE IS
16 WORKING WITH HIS DEPARTMENT OF LAND USE ON SOME
17 COMPOSTING REGULATIONS BECAUSE THE COMPOSTING
18 FACILITIES REALLY NEED MORE THAN JUST LAND USE
19 CONTROL. THE JURISDICTIONS HAVE LAND USE CONTROL,
20 BUT IN A LOT OF CIRCUMSTANCES YOU ACTUALLY NEED
21 SOMEBODY TO GO OUT THERE AND INSPECT THOSE
22 FACILITIES AND MAKE SURE THAT THEY AREN'T POSING A
23 THREAT TO PUBLIC HEALTH AND SAFETY.

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24 AND SO HE IS PROPOSING AN ORDINANCE
25 WHICH WOULD APPLY ONLY IN THE UNINCORPORATED AREA,

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1 AND HE'S WORKING WITH HIS DPOU ON THE PERMITTING
2 SIDE TO HELP PROVIDE THAT KIND OF REGULATION TO
3 ENSURE PUBLIC HEALTH AND SAFETY.

4 WHAT I'M DOING IN THE TECHNICAL
5 ADVISORY COMMITTEE IS I'M ALLOWING HIM A PLATFORM
6 TO EXPLAIN WHAT HE'S DOING FOR THE UNINCORPORATED
7 AREA SO THAT THE OTHER CITIES WITHIN THE REGION CAN
8 DECIDE IF THEY WANT TO PASS SIMILAR ORDINANCES THAT
9 WOULD HELP PROVIDE THAT KIND OF CONTROL.

10 IN TERMS OF SOME OF THE QUESTIONS
11 THAT HAVE COME UP TODAY ABOUT PROVIDING CEQA, I
12 USED TO BE A CEQA ANALYST FOR THE CITY OF SAN
13 DIEGO, AND I THINK THAT WE'RE SET UP VERY WELL TO
14 PROVIDE THE CEQA PORTION OF THE VARIOUS FUNCTIONS
15 THAT WE PROVIDE WITHIN THE CITY.

16 IN TERMS OF MR. RELIS AND, I THINK,
17 MR. JONES, AS WELL, YOU WERE CONCERNED ABOUT
18 GETTING STAFF HIRED RIGHT AWAY. AND I'M THE WORKER
19 BEE THAT'S DOING AS MUCH AS I CAN TO WORK ON THAT.
20 I'M TALKING WITH PEOPLE ABOUT HOW TO GO ABOUT THE
21 RECRUITMENT PROCESS AND GETTING AS MUCH INPUT I
22 CAN. MY GOAL, AS THE WORKER BEE KIND OF PERSON, IS
23 TO ENSURE THAT I WORK WITH OUR PERSONNEL DEPARTMENT

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24 AND GET AS MANY HIGHLY QUALIFIED CANDIDATES AS
25 POSSIBLE. I'M DOING THAT AS QUICKLY AS POSSIBLE.

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1 I HAVE A LOT OF PRESSURE ON ME TO MAKE ALL THESE
2 THINGS HAPPEN VERY QUICKLY, AND I'M DOING THE BEST
3 THAT I CAN. SO THAT'S KIND OF AN OVERVIEW FROM MY
4 PERSPECTIVE. BE HAPPY TO ANSWER ANY QUESTIONS.

5 CHAIRMAN FRAZEE: QUESTIONS? IF NOT,
6 THANK YOU.

7 MR. UNSELL: IF I COULD ASK ONE QUESTION,
8 THAT I NEEDED A LITTLE CLARIFICATION IN TERMS OF
9 MS. WOOD'S INVOLVEMENT AND PARTICIPATION. AND NOT
10 KNOWING THE ORGANIZATIONAL STRUCTURE EXACTLY,
11 WHETHER YOU ARE WITHIN THE DEVELOPMENTAL AGENCY
12 THAT THE LEA IS WITH OR PART OF THE OPERATIONAL
13 UNIT OR HOW DOES THAT ALIGNMENT?

14 MS. WOOD: I AM THE ONE PERSON HERE WHO IS
15 FROM THE OPERATIONAL DEPARTMENT.

16 MEMBER JONES: FROM ENVIRONMENTAL SERVICES
17 DEPARTMENT?

18 MS. WOOD: FROM THE ENVIRONMENTAL SERVICES
19 DEPARTMENT.

20 MEMBER JONES: AND YOU ARE HIRING THE LEA
21 STAFF?

22 MS. WOOD: NO, I AM NOT HIRING THE LEA
23 STAFF.

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24 MEMBER JONES: DIDN'T YOU JUST SAY YOU ARE
25 THE WORKER BEE.

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1 MS. WOOD: I'M THE WORKER BEE, HOWEVER, I
2 WILL NOT BE ON THE INTERVIEW PANEL. I'M WORKING
3 WITH PERSONNEL TO GO THROUGH OUR PERSONNEL
4 PROCESSES. WE HAVE -- AS YOU KNOW, THE GOVERNMENTS
5 ALWAYS HAVE THEIR PROCESSES. SO MY FUNCTION IS
6 STRICTLY TO ENSURE THAT OUR CITY PROCESSES, REO'S,
7 EP, ALL THAT, ARE COMPLIED WITH AS WE GO THROUGH
8 THE HIRING.

9 MEMBER JONES: ARE YOU THE HUMAN RESOURCES
10 PERSON FOR THE CITY OF SAN DIEGO?

11 MS. WOOD: EXCUSE ME.

12 MEMBER JONES: HUMAN RESOURCES, HIRING,
13 FIRING.

14 MS. WOOD: NO, I'M NOT.

15 MEMBER JONES: BUT YOU ARE A MEMBER OF THE
16 ENVIRONMENTAL SERVICES THAT IS SETTING UP THE
17 PROCESS TO HIRE THE LEA.

18 MS. WOOD: I'M DOING WORK, YES.

19 MEMBER RELIS: MR. CHAIR, I'M GOING TO
20 MAKE A MOTION AND LET ME JUST PREFACE IT.

21 MR. CHANDLER: MR. RELIS, LET ME JUST MAKE
22 SOME FINAL CONCLUDING REMARKS FROM STAFF'S
23 PERSPECTIVE BECAUSE I WANT TO SAY A FEW REMARKS

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24 THAT, I THINK, GET TO THE VERY QUESTION YOU RAISE,
25 WHICH IS WHAT'S REALLY CHANGING HERE, AND THEN, OF

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1 COURSE, ENTERTAIN THE MOTION.

2 WHAT'S REALLY DIFFERENT? AND I THINK
3 WE HAVE TO MAKE SURE WE DON'T FORGET THE FACT THAT
4 IT WASN'T TOO LONG AGO THAT THE COUNTY WAS RUNNING
5 THESE FACILITIES WITH THE COUNTY AS THE LEA. AND,
6 OF COURSE, REALLY YOU ARE RIGHT, WEST COVINA
7 NOTWITHSTANDING, THERE ISN'T A WHOLE LOT CHANGING
8 HERE. AND I THINK WHEN WE LOOKED AT THE
9 APPLICATION, WE FELT WE SAW A COMPLETE APPLICATION
10 WITH THE QUALIFICATIONS.

11 CLEARLY I THINK THE QUESTION BEFORE
12 THE BOARD IS, HOWEVER, DOES THE CITY GET IT, AS WE
13 SOMETIMES SAY? DOES THE CITY TRULY UNDERSTAND THE
14 INDEPENDENT ROLE OF THE LEA? AND I WOULD HAVE TO
15 ADMIT THAT SOME OF THE COMMENTARY WE'VE HEARD FROM
16 CITY OFFICIALS IS THAT MAYBE THEY VIEW THE ROLE OF
17 THE LEA OR THE OFFICE OF THE LEA AS AN OFFICE THAT
18 CAN ACCOMPLISH SOME THINGS THAT WE HISTORICALLY
19 HAVE SEEN GO OUTSIDE THE TRUE RESPONSIBILITY OF OUR
20 CERTIFIED LEA.

21 STAFF'S RECOMMENDATION WAS BASED ON
22 THE APPLICATION WHERE WE FELT THE I'S WERE DOTTED
23 AND THE T'S WERE CROSSED, AND OBVIOUSLY WE ARE

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24 GOING TO HAVE TO RECONCILE SOME OF THE OTHER

25 CONSIDERATIONS THAT YOU ARE ALL GRAPPLING WITH NOW

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1 AS TO WHETHER OR NOT THE CITY TRULY UNDERSTANDS
2 THAT INDEPENDENT ROLE THAT WE WANT THE LEA'S OFFICE
3 TO PLAY. ON THAT BASIS, YOU KNOW, IT WAS WHERE
4 STAFF IS COMING FROM WITH THEIR RECOMMENDATION.

5 MEMBER RELIS: OKAY. THANK YOU, MR.
6 CHANDLER. WELL, WE'VE COME TO EXPECT IN SAN DIEGO
7 COUNTY AND CITY THINGS ARE ALWAYS DYNAMIC, AND THIS
8 JUST UNDERSCORES THAT. BUT HAVING SAID THAT, I
9 FEEL THAT THE QUESTIONS I ASKED ABOUT MOONLIGHTING,
10 ABOUT IS THERE COVERAGE, I THINK I FEEL SATISFIED
11 THAT IT'S BEEN ANSWERED.

12 STAFF HAVE REVIEWED AND RECOMMENDED
13 AN INTERIM ARRANGEMENT. I THINK THE CONDITIONS, AS
14 MR. CHANDLER POINTED OUT, IF YOU WANTED TO DIAGRAM
15 THE REST OF THE STATE, YOU MIGHT FIND EQUALLY
16 CHALLENGING DIAGRAMS AND CONNECTIONS. AND UNLESS
17 WE'RE PREPARED TO DO THAT, I DON'T FIND THAT
18 THIS -- IS IT HAS ITS UNIQUE ASPECTS, BUT I DON'T
19 FIND IT FUNDAMENTALLY AT ODDS WITH WHAT WE DO
20 ELSEWHERE.

21 PERSONNEL ARE QUALIFIED. THERE'S A
22 BACKSTOP ROLE WHICH WE'VE HEARD IF THE QUESTION IS
23 WHAT IF SOMEBODY ISN'T AVAILABLE, WHO'S GOING TO BE

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24 THERE. THIS IS, AFTER ALL, A TRANSITION, AS I
25 UNDERSTAND IT. AND THE FALLBACK IS TO YANK IT IF

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1 THERE'S A BREAKDOWN. SO I'M PREPARED TO MOVE THE
2 STAFF RECOMMENDATION.

3 CHAIRMAN FRAZEE: I'LL SECOND THAT. ANY
4 FURTHER DISCUSSION? WE HAVE A MOTION AND SECOND,
5 THEN, ON THE ADOPTION OF RESOLUTION 97-508,
6 CONSIDERATION OF A TEMPORARY CERTIFICATION AND
7 DESIGNATION TO THE CITY OF SAN DIEGO DEVELOPMENTAL
8 SERVICES DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY
9 FOR THE CITY OF SAN DIEGO. IF THE SECRETARY WILL
10 CALL THE ROLL ON THAT, PLEASE.

11 THE SECRETARY: BOARD MEMBER RELIS.

12 MEMBER RELIS: AYE.

13 THE SECRETARY: BOARD MEMBER JONES.

14 MEMBER JONES: NO.

15 THE SECRETARY: CHAIRMAN FRAZEE.

16 CHAIRMAN FRAZEE: AYE. MOTION IS CARRIED
17 AND WE'LL GO ON TO THE FULL BOARD.

18 THE REPORTER: THE COURT REPORTER NEEDS A
19 SHORT BREAK.

20 (A BREAK WAS THEN TAKEN.)

21 CHAIRMAN FRAZEE: MEETING WILL COME TO
22 ORDER AGAIN, PLEASE. IT'S THE INTENTION OF THE
23 CHAIR TO TAKE UP ITEM 11 AT THIS TIME, AND THEN WE

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24 WILL TAKE A LUNCH BREAK FOLLOWING THE PROCESSING OF
25 THIS ITEM.

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1 ITEM 11 IS THE CONSIDERATION OF THE
2 LEGAL AUTHORITY ISSUES AND STAFF OPTIONS RELATING
3 TO CONSTRUCTION, DEMOLITION, AND INERT TIER
4 REGULATIONS. STAFF REPORT.

5 MR. BLOCK: MORNING, CHAIRMAN FRAZEE AND
6 COMMITTEE MEMBERS. I'M ELLIOT BLOCK FROM THE LEGAL
7 OFFICE PRESENTING THIS ITEM TO YOU.

8 THIS ITEM IS THE LATEST IN A LINE OF
9 A SERIES OF LEGAL AUTHORITY ITEMS THAT WE HAVE
10 BROUGHT FORWARD IN THE PAST REGARDING VARIOUS TIER
11 REGULATIONS PACKAGES THAT WE'VE BROUGHT FORWARD,
12 AND THOSE ARE UP ON THE BOARD, PACKAGES WE'VE DONE
13 SO FAR.

14 AND WE HAVE ON THE CURRENT SCHEDULE
15 FOUR MORE THAT WE ARE SCHEDULED TO DO OVER THE
16 COURSE OF THE NEXT YEAR OR SO. CONSTRUCTION
17 DEMOLITION DEBRIS AND INERTS BEING ONE OF THEM.

18 WHAT PLACES US IN THE ARENA OF
19 DEALING WITH THIS ISSUE IN THE FIRST PLACE IS
20 LANGUAGE IN DEFINITION OF SOLID WASTE IN PUBLIC
21 RESOURCES CODE WHICH LISTS AS ONE OF THE EXAMPLES
22 SOLID WASTE DEMOLITION AND CONSTRUCTION WASTE. FOR
23 THAT REASON, THIS WAS -- THAT -- AND THIS IS ONE OF

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24 THE MATERIALS THAT WERE CONSIDERED NONTRADITIONAL
25 AS WE MOVE FORWARD WITH THE TIER REQUIREMENTS AND

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1 WHERE WE WERE LOOKING TO PROVIDE SOME CLARITY
2 AROUND THE STATE FOR HOW THESE MATERIALS WILL BE
3 HANDLED.

4 WE HAVE A DEFINITION EXISTING IN OUR
5 REGULATIONS FOR CONSTRUCTION AND DEMOLITION WASTES:
6 BUILDING MATERIALS, PACKAGING AND RUBBLE RESULTING
7 FROM CONSTRUCTION, REMODELING, REPAIR, AND
8 DEMOLITION OPERATIONS ON PAVEMENTS, HOUSES,
9 COMMERCIAL BUILDINGS, AND OTHER STRUCTURES.

10 LIKEWISE, WE NOW HAVE WITHIN TITLE 27
11 REGULATIONS, SINCE WE HAVE COMBINED THESE WITH THE
12 WATER BOARD, A DEFINITION OF INERT WASTE. IT'S
13 PRIMARILY DERIVED FROM THE WATER BOARD'S
14 REGULATIONS UNDER FORMER TITLE 23. INERT WASTE
15 BEING THAT SUBSET OF SOLID WASTE THAT DOES NOT
16 CONTAIN HAZARDOUS WASTE OR SOLUBLE POLLUTANTS IN
17 CONCENTRATIONS IN EXCESS OF APPLICABLE WATER
18 QUALITY OBJECTIVES AND DOES NOT CONTAIN SIGNIFICANT
19 QUANTITIES OF DECOMPOSABLE WASTE.

20 THOSE LATTER TWO DEFINITIONS, AS I
21 MENTIONED, ARE IN REGULATION. ONE OF THE THINGS
22 WE'LL PROBABLY BE DOING AS WE BRING THIS PACKAGE
23 FORWARD IS LOOKING AS TO WHETHER WE NEED TO MODIFY

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24 THOSE DEFINITIONS OR NOT. I 'VE SHOWED THEM

25 PRIMARILY FOR THE PURPOSE OF GIVING A GENERAL IDEA

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1 OF THE SCOPE OF THE MATERIALS WE'RE TALKING ABOUT
2 IN THIS REGULATION PACKAGE.

3 IN ADDITION, LET ME JUST GO AHEAD AND
4 JUST GIVE A QUICK MENTION TO ANOTHER ASPECT OF THIS
5 RULEMAKING PACKAGE THAT HAS COME UP IN THE LAST FEW
6 MONTHS. IN ADDITION TO ALREADY BEING ON OUR
7 SCHEDULE FOR REVIEWING THESE UNDER THE TIER
8 PACKAGE, SOME LANGUAGE WAS ADDED INTO THE BUDGET
9 BILL REGARDING THE BOARD DRAFTING REGULATIONS FOR
10 CONSTRUCTION AND DEMOLITION DEBRIS AND PROVIDING A
11 REPORT, STATUS REPORT, TO THE LEGISLATURE BY APRIL
12 1ST, 1998. AND SO WE WILL ALSO BE ACCOMPLISHING
13 THAT AS PART OF THIS RULEMAKING PACKAGE.

14 IN GENERAL, WHAT I PROBABLY WANT TO
15 DO, SINCE WE'RE CLOSE TO LUNCH HOUR AND YOU'VE HAD
16 QUITE A BIT OF DISCUSSION ALREADY TODAY, JUST VERY
17 BRIEFLY MENTION THE LEGAL ANALYSIS AND THEN PERHAPS
18 SEE IF THERE ARE ANY QUESTIONS REGARDING THAT. BUT
19 BASICALLY WHAT WE'VE DONE IN THIS LEGAL AUTHORITY
20 ITEM IS THE SAME THING THAT WE'VE DONE WITH
21 PREVIOUS LEGAL AUTHORITY ITEMS. IT TRACKS VERY
22 CLOSELY WITH THE ASH LEGAL AUTHORITY ITEM AND THE
23 CONTAMINATED SOIL LEGAL AUTHORITY ITEM.

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24 BASICALLY WHAT WE'RE ASKING THE
25 COMMITTEE AND ULTIMATELY THE BOARD TO CONFIRM IS

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1 THAT THE BOARD HAS JURISDICTION OVER THE DISPOSAL,
2 TRANSFER PROCESSING, OR STORAGE OF CONSTRUCTION AND
3 DEMOLITION DEBRIS. AND THAT THE BOARD DOES NOT
4 HAVE JURISDICTION OVER MANUFACTURING, RECYCLING,
5 OTHER PRODUCTIVE USES, SUCH AS ROAD BASE OR
6 SUB-BASE, AND MINE RECLAMATION. THIS IS CONSISTENT
7 WITH THE LEGAL AUTHORITY ANALYSIS THAT WE'VE DONE
8 IN THE PAST.

9 IF THERE ARE SOME QUESTIONS, I CAN
10 CERTAINLY DISCUSS THE PARTICULAR STATUTES THAT
11 THOSE ARE BASED ON. BUT THAT IS BASICALLY THE
12 ANALYSIS, AND THAT'S THE RECOMMENDATION THAT WE'RE
13 MAKING TO THE COMMITTEE.

14 HAVING SAID THAT, OF COURSE, ONE OF
15 THE INTERESTING THINGS AND WHAT THESE LEGAL
16 AUTHORITIES ALWAYS TEND TO DO IS REALLY SERVE AS
17 SORT OF THE FIRST ITEM IN A SERIES OF ITEMS AS WE
18 START DOING THESE PACKAGES AND IN A SENSE SORT OF
19 SCOPE OUT THE FRAMEWORK OF WHAT THE PACKAGE WILL BE
20 DOING.

21 IT'S EASY TO SAY THE BOARD DOESN'T
22 REGULATE RECYCLING, BUT HOW YOU DEFINE THAT IN ANY
23 PARTICULAR PACKAGE, OF COURSE, IS REALLY WHERE THE

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24 REAL WORK OF THE PACKAGE WILL BE. SO IN ADDITION
25 TO THAT, I HAVE INCLUDED IN THE AGENDA ITEM A LIST

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1 AND SOME MINIMAL DISCUSSION OF SOME ISSUES THAT
2 HAVE COME UP AND THAT WE'RE GOING TO HAVE TO
3 ADDRESS AS THIS RULEMAKING PACKAGE GOES FORWARD.
4 PRIOR TO -- WELL, DURING AUGUST AND
5 SEPTEMBER, THE PERMITTING AND ENFORCEMENT COMMITTEE
6 DID ARRANGE FOR AND HOLD THREE WORKSHOPS AROUND THE
7 STATE WITH INTERESTED PARTIES IN THIS AREA AND
8 PEOPLE THAT DEAL WITH CONSTRUCTION AND DEMOLITION
9 DEBRIS IN REDDING, DIAMOND BAR, AND SACRAMENTO.
10 AND MARCIA KIESSE IS THE STAFF PERSON WHO'S THE
11 PRIMARY LEAD ON THIS RULEMAKING PACKAGE. OF
12 COURSE, BOB HOLMES IS ALSO THE COORDINATOR FOR THE
13 TIER REGS, SET THOSE UP AND HELPED THOSE GO.
14 A LOT OF ISSUES CAME UP AT THOSE
15 WORKSHOPS. I HAVE IDENTIFIED IN THE AGENDA ITEM
16 AND THEY'RE LISTED HERE ON THE OVERHEAD SOME OF THE
17 MAJOR CATEGORIES OF ISSUES THAT ARE THERE. THESE
18 ARE NOT ISSUES WE'RE ASKING FOR THE BOARD -- THE
19 COMMITTEE OR THE BOARD TO MAKE DECISIONS FOR US
20 TODAY. OF COURSE, IF THE COMMITTEE OR THE BOARD
21 DID HAVE SOME DIRECTION THAT THEY WANTED TO GIVE
22 US, WE WOULD TAKE THAT AND GO WITH THAT. OF
23 COURSE, ALSO, THIS IS AN OPPORTUNITY FOR ANY

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24 MEMBERS OF THE PUBLIC IF THEY WANTED TO PROVIDE

25 SOME INPUT IF THEY HAD PARTICULAR IDEAS ABOUT SOME

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1 OF THESE ISSUES TO PROVIDE THAT INPUT.

2 VERY QUICKLY THOUGH, THOSE ISSUES ARE

3 LEVEL OF APPROPRIATE REGULATION, AS WE'VE DONE IN

4 THE PAST LEGAL AUTHORITY ITEMS. ONE OF THE THINGS

5 WE ALWAYS TRY TO UNDERSCORE IS THE FACT THAT WHILE

6 ANY PARTICULAR OPERATION MAY BE WITHIN THE BOARD'S

7 GENERAL JURISDICTION, AND I USE THAT TERM

8 SPECIFICALLY FOR SPECIFIC REASON, THE BOARD STILL

9 THEN HAS ANOTHER STEP TO UNDERGO, WHICH IS DECIDE,

10 ONCE WE'VE DECIDED IT'S WITHIN OUR GENERAL

11 JURISDICTION, WHAT'S THE APPROPRIATE LEVEL OF

12 REGULATION. AND THAT'S, FOR INSTANCE, WHERE WE'VE

13 USED THE EXCLUDED TIER IN THE PAST WHERE WE

14 DETERMINED THAT WHILE WE HAVE JURISDICTION OVER X

15 ACTIVITY, FOR INSTANCE BACKYARD COMPOSTING, THAT IF

16 THE BOARD DIDN'T FEEL IT WAS APPROPRIATE TO

17 REGULATE THAT ACTIVITY.

18 WE ALSO HAVE AN EXISTING PERMIT

19 EXEMPTION IN OUR REGULATIONS THAT'S BEEN ON THE

20 BOOKS FOR 20, 25 YEARS NOW PROBABLY, WHICH

21 ESTABLISHES A PROCEDURE FOR AND CERTAIN REQUIRED

22 FINDINGS FOR OBTAINING AN EXEMPTION FROM SOLID

23 WASTE FACILITY PERMIT REQUIREMENT. AND ONE OF THE

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24 TYPES OF FACILITIES THAT IS ELIGIBLE FOR THAT
25 EXEMPTION IS AN UNCLASSIFIED WASTE SITE. AND

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1 GENERALLY THAT WOULD INCLUDE INERT DISPOSAL
2 FACILITIES, AND THERE ARE SOMEWHERE BETWEEN HALF A
3 DOZEN AND A DOZEN INERT SITES AROUND THE STATE THAT
4 HAVE RECEIVED THIS EXEMPTION.

5 IN ADDITION, SOME ISSUES CAME UP
6 REGARDING -- I'VE LISTED IT AS DEFINING SEPARATED
7 FOR REUSE BASICALLY, DEFINING RECYCLING WITHIN THE
8 CONTEXT OF CONSTRUCTION AND DEMOLITION DEBRIS. AS
9 THE COMMITTEE IS GOING TO BE HEARING THIS
10 AFTERNOON, THERE HAS BEEN A LOT OF DISCUSSION
11 AROUND DEFINING RECYCLING FOR WHAT, FOR LACK OF A
12 BETTER TERM, I BELIEVE ARE MORE TRADITIONAL TYPES
13 OF RECYCLING. AND THERE ARE SOME ISSUES THAT HAVE
14 BEEN RAISED ABOUT WHETHER THAT DEFINITION WORKS OR
15 NOT FOR CONSTRUCTION AND DEMOLITION DEBRIS GIVEN
16 THE RELATIVE WEIGHT OF THE MATERIAL WE'RE DEALING
17 WITH AND THE DIFFERENT MANNER IN WHICH IT IS
18 HANDLED.

19 LIKEWISE, LENGTH OF STORAGE TIME, IN
20 PAST REGULATIONS PACKAGES, WE HAVE BEEN ABLE TO
21 IDENTIFY A LIMIT ON STORAGE TIME OF MATERIAL, WHICH
22 THEN GIVES RISE TO A PRESUMPTION THAT A STORAGE
23 OPERATION IS, IN FACT, A DISPOSAL SITE WITH -- I'M

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24 GOING TO FORGET -- I ALWAYS FORGET WHICH ONE -- I

25 BELIEVE WITH ASH, IT WAS SIX MONTHS AND WITH

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1 CONTAMINATED SOIL, IT WAS ONE YEAR.

2 WHAT WE FOUND, WE HAD A LOT OF
3 COMMENTS AT THE WORKSHOPS THAT, IN FACT, THAT TIME
4 FRAME DOESN'T REALLY WORK FOR CONSTRUCTION AND
5 DEMOLITION DEBRIS BECAUSE THIS MATERIAL MAY STAY ON
6 SITE FOR A NUMBER OF YEARS BEFORE IT'S ACTUALLY
7 PROCESSED. SO THAT'S ANOTHER ISSUE WE'RE GOING TO
8 BE GRAPPLING WITH.

9 AND THEN FINALLY ON THE LIST, JUST
10 LOOKING AT THE ISSUE OF THE DEFINITION OF INERT,
11 AS I MENTIONED, THE DEFINITION IN TITLE 27 NOW
12 COMES FROM FORMER TITLE 23 DEFINITIONS FROM THE
13 WATER BOARD, AND IT'S PHRASED PRIMARILY IN TERMS OF
14 WATER QUALITY. AND SO WE HAD SOME DISCUSSION AT
15 THE WORKSHOPS AS TO WHETHER THAT WAS SUFFICIENT OR
16 WHETHER WE NEEDED TO FURTHER DEFINE THAT AND/OR
17 PERHAPS EVEN PROVIDE EXAMPLES.

18 ONE OF THE WORKSHOP PARTICIPANTS, FOR
19 INSTANCE, HANDED US A COPY OF HIS WDR'S. AND IF
20 YOU LOOK AT THE WDR'S FOR HIS FACILITY, IT ACTUALLY
21 LISTS TEN MATERIAL TYPES THAT ARE ALLOWABLE INERT
22 TYPES.

23 AND WITH THAT, I THINK I'LL PROBABLY

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24 STOP THERE. I PROBABLY WENT LONGER THAN I MEANT TO
25 DO. AND JUST IN CLOSING, STATE THAT WHAT WE'D LIKE

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1 THE COMMITTEE TO DO IS CONFIRM THAT WE DO HAVE
2 AUTHORITY OVER DISPOSAL, TRANSFER PROCESSING, AND
3 STORAGE OF CONSTRUCTION-DEMOLITION DEBRIS AND
4 INERTS. AND THAT WE DO NOT HAVE JURISDICTION OVER
5 MANUFACTURING, RECYCLING, OTHER PRODUCTIVE USES,
6 AND MINE RECLAMATION, AND FORWARD THIS TO THE
7 BOARD. HAVE ANY QUESTIONS?

8 CHAIRMAN FRAZEE: THAT LIST OF WHAT IS
9 INCLUDED AND WHAT IS NOT INCLUDED HAS THE ABILITY
10 TO FLOW AS THESE REGULATIONS ARE DEVELOPED, I WOULD
11 ASSUME, TO BE FURTHER DEFINED.

12 MR. BLOCK: RIGHT.

13 CHAIRMAN FRAZEE: FOR EXAMPLE, WHERE DOES
14 MANUFACTURING BEGIN? THE ITEM 3, THE BOARD HAS THE
15 AUTHORITY TO REGULATE THE STORAGE OF CONSTRUCTION
16 AND DEMOLITION AND INERT DEBRIS. WHERE DOES --
17 WHERE DOES STORAGE BEGIN?

18 AND TO TRY TO PUT THIS IN CONTEXT OF
19 SOME REAL LIVE EXAMPLES, AND I KEEP GOING BACK TO
20 THIS ONE, BUT A MAJOR PROJECT THAT I'VE BEEN
21 WATCHING AT THE SAN DIEGO AIRPORT INVOLVES TEARING
22 UP A LOT OF CONCRETE AND REPROCESSING IT ON SITE,
23 CONVERTING IT INTO A MATERIAL THAT THEN IS LAID

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24 DOWN FOR ROAD BASE. YOU KNOW, DOES ANY PART OF
25 THAT OPERATION FALL UNDER REGULATIONS?

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1 MR. BLOCK: AND THAT IS AN ISSUE -- THOSE
2 ARE THE ISSUES THAT WE'RE GOING TO BE GRAPPLING
3 WITH AS WE TRY TO DRAFT SOME REGULATIONS ON THESE.
4 OFF THE TOP OF MY HEAD, THAT WOULD PROBABLY FALL
5 INTO THE AREA WHERE WE WOULD HAVE TO DEFINE WHETHER
6 THAT'S CONSIDERED A PRODUCTIVE USE OR NOT AND
7 WHETHER OR NOT THERE NEEDS TO BE ANY LIMITS ON --
8 YOU KNOW, CAN THAT MATERIAL STAY THERE FOR THREE
9 YEARS BEFORE IT'S ACTUALLY USED AS ROAD BASE? OR
10 DOES THERE NEED TO BE AN ONGOING OPERATION?

11 THOSE ARE CLEARLY GOING TO BE ISSUES
12 THAT TAKE SOME WORK. LEGAL AUTHORITY ITEM ITSELF
13 IS REALLY JUST SORT OF THE BROAD OVERALL ISSUES OF
14 WHAT'S IN AND -- WITHIN THE BOARD'S JURISDICTION TO
15 REGULATE AND WHAT'S NOT. AND THERE IS CLEARLY ROOM
16 FOR US. WE'VE HAD ANOTHER REGULATIONS PACKAGE.
17 THERE'S ROOM AROUND THE EDGES FOR HOW THAT'S
18 DEFINED, AND IT DOES CHANGE FROM MATERIAL TYPE TO
19 MATERIAL TYPE.

20 THERE ARE THINGS, ISSUES REGARDING
21 CONSTRUCTION-DEMOLITION DEBRIS THAT ARE DIFFERENT
22 FROM SOME OF THE OTHER ONES THAT WE'VE DEALT WITH.
23 THE STORAGE TIME BEING ONE OF THOSE. WHAT WORKED

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24 FOR CONTAMINATED SOIL, ONE YEAR, APPARENTLY WHAT
25 WE'RE HEARING FROM AROUND THE STATE, DOESN'T WORK.

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1 CHAIRMAN FRAZEE: AND THEN THE DEFINITION
2 OF CONSTRUCTION AND DEMOLITION, IT CAN BE ALL WOOD
3 OR IT CAN BE ALL CONCRETE, AND THE STORAGE TIME MAY
4 VARY --

5 MR. BLOCK: RIGHT.

6 CHAIRMAN FRAZEE: -- BETWEEN TYPES.

7 MR. BLOCK: EXACTLY. THAT'S ANOTHER ISSUE
8 THAT CAME UP AS WELL. WE HAVE BEEN TALKING ABOUT
9 THIS RULEMAKING AS CONSTRUCTION, DEMOLITION, AND
10 INERT DEBRIS. WE DID GET A LOT OF INPUT AT THE
11 WORKSHOPS THAT, IN A SENSE, WE PROBABLY HAVE TO
12 DEAL WITH THOSE THREE THINGS IN AT LEAST TWO
13 SEPARATE CATEGORIES. INERT BEING PERHAPS A SUBSET
14 OF, BUT SOMETHING DIFFERENT THAN CONSTRUCTION AND
15 DEMOLITION DEBRIS.

16 CONSTRUCTION AND DEMOLITION DEBRIS
17 CAN INCLUDE, THEORETICALLY, THE WAY SOME PEOPLE USE
18 THAT TERM, THINGS THAT ARE NOT INERT. AND THAT
19 WOULD THEN YIELD SOME DIFFERENT STANDARDS THAT WE
20 MIGHT OR DIFFERENT LEVELS OF REGULATION THAT WE
21 MIGHT OR MIGHT NOT WANT TO APPLY TO THOSE.

22 WE ARE -- I'LL JUST REPEAT IT AGAIN.
23 WE'RE NOT ASKING FOR DECISIONS ON THOSE TODAY, BUT

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24 THOSE ARE DEFINITELY ISSUES WE'RE GOING TO BE
25 GRAPPLING WITH. WE ARE GOING TO BE PUTTING

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1 TOGETHER, AFTER THE COMMITTEE AND THEN THE BOARD
2 HEARS THIS ITEM, A WORKING GROUP TO SIT DOWN AND
3 START DRAFTING REGULATIONS AND DEALING WITH THOSE
4 ISSUES.

5 MEMBER JONES: YOU HAD SAID, ELLIOT, THAT
6 THERE WERE SOME INERT MATERIALS THAT COULD FALL
7 UNDER AN EXEMPTION. I MEAN WE'RE NOT TALKING ABOUT
8 BLANKET EXEMPTIONS FOR INERT MATERIALS, ARE WE?
9 BECAUSE TIRES FALL INTO THE DEFINITION OF INERT AS
10 EVERY ONE I'VE EVER SEEN.

11 MR. BLOCK: WELL, I'M CERTAINLY NOT
12 TALKING ABOUT ANYTHING ONE WAY OR THE OTHER IN THAT
13 REGARD. WHAT I WAS TRYING TO GET AT AND MAKE SURE
14 JUST GOT INTO THE -- EVERYBODY'S THOUGHTS IN TERMS
15 OF DISCUSSION IS THAT WE DO HAVE THIS EXISTING
16 EXEMPTION PROCESS. THERE'S A PROCESS THAT THE LEA
17 HAS TO GO THROUGH AND HOLD A PUBLIC HEARING AND
18 MAKE VARIOUS FINDINGS. AND WE HAVE IN THE PAST NOT
19 HAD TO DIRECTLY DEAL WITH THIS EXISTING REGULATION
20 IN SOME OF THE EARLIER TIER PACKAGES, BUT WE
21 CERTAINLY DO IN THIS PACKAGE BECAUSE WE DO HAVE, AS
22 I SAID, I DON'T KNOW THE EXACT NUMBER, BETWEEN HALF
23 A DOZEN AND DOZEN EXEMPT INERT DISPOSAL SITES IN

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24 THE STATE RIGHT NOW. AND SO WE ARE GOING TO HAVE
25 TO DETERMINE HOW WE DO OR DON'T TREAT THOSE

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1 EXISTING SITES AND/OR FUTURE ONES.

2 THAT ALSO LEADS INTO THE ISSUE OF
3 WHETHER OR NOT WE NEED TO LOOK AT MORE SPECIFICALLY
4 DEFINING INERT. AS I MENTIONED EARLIER, THE
5 DEFINITION IS FAIRLY GENERAL IN THE REGULATIONS,
6 AND THAT'S PRIMARILY BECAUSE IT DOES COME OUT OF
7 THE WATER BOARD'S REGULATIONS, AND THEY'VE USED
8 WDR'S TO FURTHER DEFINE THOSE. AND THAT'S WHERE
9 THOSE ISSUES WILL COME OUT.

10 HAVING SAID THAT, I DO NEED TO LET
11 YOU KNOW THAT WE DID HAVE SOME WORKSHOP PARTICI-
12 PANTS THAT WOULD ASK THE BOARD TO DO EXACTLY THAT,
13 TO GIVE A BLANKET EXEMPTION TO ALL INERT MATERIALS
14 FACILITIES THAT ARE OPERATIONS THAT HANDLE INERT
15 MATERIALS. AND THAT'S ONE OF THE -- THAT'S SOME OF
16 THE VIEWS YOU ARE GOING TO BE HEARING AS WE MOVE
17 THIS PACKAGE THROUGH.

18 MEMBER RELIS: I KNOW THERE'S SPEAKERS, I
19 GUESS, BUT MY ONLY THOUGHT WAS, ASSUMING WE GET
20 THROUGH THE LEGAL DECISION TODAY, THAT THIS IS AN
21 AREA I KNOW WHERE I NEED MUCH MORE EDUCATION TO
22 UNDERSTAND THE NUANCES BETWEEN, YOU KNOW, INERTS
23 AND STORAGE. AND I DON'T REALLY UNDERSTAND THIS

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24 AREA AS WELL AS OTHER AREAS, AND I HOPE WE COULD
25 DEVELOP SOME SORT OF EDUCATION PROGRAM, IF THE

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1 OTHER MEMBERS FEEL THAT WAY, THAT ARE LIKE WHAT WE
2 DID WITH THE ASH, OR WE HAD SOME PRESENTATION IN A
3 WORKSHOP-TYPE SETTING WHERE WE COULD INFORMALLY
4 INTERACT AROUND A BODY OF INFORMATION SO THAT WHEN
5 THE TOUGH WORK REALLY BEGINS AFTER WE MAKE THE
6 DECISION ON THIS.

7 MS. RICE: WE CAN CERTAINLY DO THAT, MR.
8 RELIS.

9 MR. BLOCK: I DO NEED TO SAY ONE
10 ADDITIONAL THING. BECAUSE OF SOME KINKS IN MY
11 SCHEDULE, THE ACTUAL -- THIS AGENDA ITEM DID NOT
12 MAKE IT INTO THE AGENDA PACKET. WE DID FAX COPIES
13 OUT ON FRIDAY TO AS MANY PEOPLE AS WE COULD, BUT
14 WE, I'M SURE, MISSED SOME FOLKS. AND SO IF THERE'S
15 ANYBODY IN THE AUDIENCE THAT DIDN'T GET THIS AND
16 WOULD LIKE A COPY, YOU CAN CONTACT EITHER MYSELF,
17 MARCIA, OR BOB HOLMES. AND ALSO, THIS ITEM
18 ESSENTIALLY IN THE SAME FORM WILL BE IN THE BOARD
19 PACKET AS IT MOVES FORWARD. I WANTED TO MENTION
20 THAT.

21 CHAIRMAN FRAZEE: LET'S HEAR FROM CHUCK
22 WHITE REPRESENTING WASTE MANAGEMENT.

23 MR. WHITE: THANK YOU, MR. CHAIRMAN,

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24 MEMBERS OF THE COMMITTEE. CHUCK WHITE WITH WASTE
25 MANAGEMENT. I WON'T TAKE MUCH OF YOUR TIME, BUT

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1 YOUR DISCUSSION SO FAR HAS REALLY HIGHLIGHTED THE
2 ISSUE IS THAT THE ISSUES LAID OUT HERE ARE NEAT AND
3 COMPARTMENTALIZED, BUT IN REALITY WHEN YOU GET INTO
4 THE THING, THEY'RE NOT GOING TO BE SO NEAT AND
5 COMPARTMENTALIZED. AND THEY IN MANY CASES WILL BE
6 AT CROSS PURPOSES.

7 I JUST POINT OUT AS AN EXAMPLE THAT
8 THE ISSUE OF MINE RECLAMATION. AND WE CERTAINLY
9 DON'T WANT TO GET INTO ARGUMENTS WITH OUR FRIENDS
10 IN THE MINING INDUSTRY, BUT CLEARLY THERE ARE
11 SITUATIONS WHERE YOU HAVE LANDFILLS THAT ARE ALSO
12 MINE RECLAMATION PROJECTS. AND THE QUESTION, IS IT
13 SOLELY A MINE RECLAMATION PROJECT OR IS IT ALSO A
14 LANDFILL, OR DOES IT HAVE ATTRIBUTES OF BOTH? IF
15 SO, HOW DOES THE BOARD GET IN AND REGULATE THOSE
16 KIND OF ACTIVITIES, PARTICULARLY WITH CONSTRUCTION
17 AND DEMOLITION DEBRIS?

18 AS YOU POINTED OUT, THERE ARE A WIDE
19 VARIETY OF DIFFERENT TYPES OF CONSTRUCTION-
20 DEMOLITION DEBRIS. OUR COMPANY AND OTHERS DID A
21 STUDY BACK IN OHIO TO SHOW THAT YOU CAN HAVE
22 CONSTRUCTION, C&D WASTE THAT LEACHATE FROM,
23 ALTHOUGH I KNOW THAT LEACHATE IS NOT YOUR PRIMARY

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24 CONCERN, LEACHATE DOES LOOK LIKE MUNICIPAL SOLID
25 WASTE LANDFILL LEACHATE COMING FROM C&D WASTE.

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1 ON THE OTHER HAND, YOU CAN HAVE
2 TOTALLY INERT WASTES THAT BASICALLY ARE FAR LESS OF
3 A CONCERN BOTH FROM A LEACHATE GENERATION
4 STANDPOINT OR DUST GENERATION STANDPOINT. AND SO
5 HOW DO YOU GET IN AND MAKE SURE THAT THERE ARE
6 THOSE SITUATIONS? AND THE LANGUAGE YOU HAVE HERE
7 IN THIS AGENDA ITEM TALKS ABOUT C&D AND INERT
8 DEBRIS WOULD NOT BE WITHIN THE WASTE BOARD'S
9 JURISDICTION IF THEY CONSTITUTE PRODUCTIVE USES AND
10 DO NOT FIT WITHIN THE DEFINITION OF SOLID WASTE
11 DISPOSAL.

12 I DON'T THINK I TAKE ARGUMENT WITH
13 THOSE, BUT THE QUESTION IS WHAT DISPOSAL VERSUS
14 WHAT IS PRODUCTIVE USE OF MATERIAL? YOU MIGHT HAVE
15 ONE STANDARD FOR TRULY INERT WASTE, BUT IT MAY BE A
16 DIFFERENT STANDARD FOR MATERIAL THAT HAS A HIGHER
17 DEGREE OF CONTAMINATION IN IT. AND THESE ARE
18 REALLY -- THE DEVIL IS GOING TO BE IN THE DETAILS
19 WITH RESPECT TO THIS PARTICULAR REGULATION PACKAGE
20 AND OTHERS AS YOU MOVE FORWARD INTO THESE
21 NONTRADITIONAL WASTE HANDLING TYPES.

22 I THINK THERE ARE PROBABLY WAYS WE
23 CAN WORK IT OUT. I THINK GENERALLY THE, IF NOT,

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24 CONSENSUS, THE CONSENT OF THE WORK GROUP SO FAR IS
25 THAT THEY DO RECOGNIZE THAT THERE IS SOMETHING

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1 CALLED INERT. THE QUESTION IS CAN YOU GUARANTEE
2 THAT IT'S INERT? WHAT KIND OF PROCESSES AND
3 PROCEDURES ARE OPERATORS USING TO ENSURE THAT IT'S
4 INERT? AND IF IT IS TRULY INERT, THEN IT CAN BE
5 SUBJECT TO ONE DIFFERENT STANDARD VERSUS MATERIAL
6 THAT IS MORE COMMINGLED C&D WASTE AND MAYBE SHOULD
7 BE SUBJECT TO DIFFERENT TYPE OF STANDARD FOR
8 PARTICULARLY PLACEMENT ON THE GROUND AND IN THE
9 LAND.

10 THAT'S MY ONLY POINT RIGHT NOW. I
11 LOOK FORWARD TO WORKING WITH THE GROUP AS IT MOVES
12 FORWARD. THANK YOU.

13 CHAIRMAN FRAZEE: EVAN EDGAR REPRESENTING
14 CRRC.

15 MR. EDGAR: GOOD AFTERNOON, CHAIRMAN AND
16 BOARD MEMBERS. MY NAME IS EVAN EDGAR REPRESENTING
17 THE CALIFORNIA REFUSE REMOVAL COUNCIL. I SUPPORT
18 OPTION NO. 2 TODAY FOR THE WASTE BOARD TO CONFIRM
19 THE ANALYSIS AND WOULD HAVE LEGAL AUTHORITY TO
20 REGULATE C&D AND INERT DEBRIS AND DIRECT STAFF TO
21 SEEK ADDITIONAL INPUT. THIS IS KICK-OFF TO THE C&D
22 TIERS.

23 IT'S GOING TO BE ABOUT A YEAR-LONG

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24 PROCESS. I LOOK FORWARD TO BEING ON THE WORKING
25 GROUP.

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1 WITH RESPECT TO STAFF RECOMMENDATION,
2 WE SUPPORT ITEMS 1, 2, AND 3 WHERE YOU STATE YOU
3 HAVE A LEGAL AUTHORITY FOR C&D OPERATIONS. BUT
4 ALWAYS COMES DOWN TO DEFINITIONS ABOUT 4, 5, 6, AND
5 7 BECAUSE I BELIEVE THAT THE DEFINITION FOR C&D IS
6 VERY GLOBAL. THERE'S A LOT THERE. IF YOU SEE THAT
7 STUFF, THERE'S A LOT OF DIFFERENT TYPES OF
8 MATERIALS; WHEREAS, INERT IS RATHER DEFINED.

9 IN FRONT OF US TODAY WAS A PERMIT FOR
10 ZANKER ROAD LANDFILL WHICH I REPRESENT. AND THAT
11 LANDFILL TAKES C&D MATERIALS. THEY'RE ABLE TO
12 DIVERT 97 PERCENT. THEY ONLY DISPOSE OF 3 PERCENT
13 ON SITE. THAT WAS A SIX-YEAR PERMITTING PROCESS
14 WHERE YOU GOT A FULL PERMIT. BUT IN THAT CASE IT
15 WAS AT AN OLDER LANDFILL, BUT THERE ARE LOT OF
16 ISSUES THAT THE WASTE BOARD HAS IN REGULATING AT
17 C&D FACILITIES WHEN SITED AT A LANDFILL.

18 SO WHAT I'M UP HERE ON THE TRAIL OF
19 TIERS OVER THE LAST THREE, FOUR YEARS IS REGULATORY
20 EQUITY. AS REGULATORY EQUITY, SOMETHING THAT NEEDS
21 TO APPLY TO THE MINE RECLAMATION PROJECTS AS WELL
22 BECAUSE THEY'RE DOING THE SAME THING WE'RE DOING.
23 WE GET THE FULL PERMIT AND THEY WANT AN EXCLUSION.

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24 UNDER THE WATER BOARD, I GUESS,
25 DEFAULT POLICY IS THAT THEY LOOK AT A 10-PERCENT

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1 RESIDUAL, I GUESS, IN ORDER TO BE INERT MATERIALS.
2 THAT DEFINITION IS ON PAGE 11-9 DEFINING INERT,
3 SECOND PARAGRAPH. TALKS ABOUT, IN ADDITION, THE
4 REGIONAL BOARD IS ALSO TO ALLOW A 10-PERCENT
5 NONINERT TO BE INCLUDED WITHIN THE MATERIALS
6 HANDLED. AND THAT'S A BIG NUMBER AS WE'RE FINDING
7 OUT IN OTHER CASES. BUT THAT IS THE DEFINITION
8 WE'RE USING. SO THERE'S A LOT OF DEFINITION THAT
9 WE HAVE TO TALK ABOUT OVER THE NEXT YEAR.

10 I LOOK FORWARD TO WORKING WITH THE
11 WORKING GROUP. THANK YOU.

12 CHAIRMAN FRAZEE: I'M CONFUSED BY YOUR
13 STATEMENT NEXT YEAR. I THOUGHT WE WERE GOING TO
14 HAVE THIS DONE BY APRIL.

15 MR. BLOCK: THE REQUIREMENT BY APRIL IS
16 THAT WE HAVE SOME DRAFT REGULATIONS --

17 CHAIRMAN FRAZEE: DRAFT REGULATIONS.
18 OKAY.

19 MR. BLOCK: -- IN OUR REPORT, NOT THAT
20 REGULATIONS BE FINISHED.

21 CHAIRMAN FRAZEE: OKAY.

22 I DIDN'T -- LARRY SWEETSER FROM
23 NORCAL WASTE SYSTEMS.

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24 MR. SWEETSER: LARRY SWEETSER, NORCAL
25 WASTE SYSTEMS, AND I'LL BE BRIEF ON IT ALSO. AS

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1 FAR AS THE AUTHORITY ISSUE, I THINK IT IS TIME TO
2 GO AHEAD. I THINK I AGREE WITH THE STAFF, THAT
3 THERE IS AUTHORITY FOR THAT. AND I HOPE WE'RE NOT
4 GOING TO BE AT THIS POINT JUST ANSWERING THE
5 AUTHORITY QUESTION TODAY AND GET INTO SOME OF THE
6 DEFINITIONAL ISSUES PER SE THAT WE'LL BE TALKING
7 ABOUT LATER TODAY.

8 BUT AS FAR AS AUTHORITY, THERE IS,
9 YES. I THINK YOU DO NEED TO FOCUS IT. THERE IS A
10 BIG DISTINCTION -- AND I DID ATTEND THE WORKSHOPS
11 AND TALK TO OTHER PEOPLE BETWEEN -- THERE'S A
12 DISTINCTION BETWEEN C&D AND BETWEEN INERT. INERT
13 IS A LOT EASIER TO DEFINE AND DEAL WITH EXCEPT FOR
14 THE TIRE ISSUE OR ASBESTOS. WE CAN DEAL WITH THAT,
15 AND IT'S A LOT SIMPLER TO DEAL WITH.

16 WHEN YOU START DEALING WITH THE C&D
17 ISSUE, YOU COME INTO NO DEFINITIONS, AND YOU WILL
18 BE SEEING THIS LITTLE GRAPHIC AGAIN LATER, PROBABLY
19 SEEING MANY A PICTURE OF THIS SITE. IT'S ONE OF
20 YOUR 2136 NOMINEES. AND THAT IS DESCRIBED AS A C&D
21 OPERATION.

22 AND SO YOU NEED TO BE CAREFUL WHEN
23 CONSIDERING THAT, JUST LIKE WE'LL BE TALKING ABOUT

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24 LATER TODAY, THAT THERE ARE THESE FACILITIES IN
25 BETWEEN, THOSE OF US THAT ARE PERMITTED AND THOSE

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1 OF US THAT ARE OUTSIDE YOUR AUTHORITY. AND I'VE
2 TALKED WITH A LOT OF THE INERT PEOPLE, AND I THINK
3 A LOT OF IT COMES DOWN TO THE DEFINITIONAL ISSUES,
4 THE INERT VERSUS C&D, AND ALSO THE STORAGE TIME
5 ISSUE.

6 I DIDN'T SEE IT DISCUSSED IN THE
7 STAFF REPORT, BUT ONE OF THE ITEMS WE WERE TRYING
8 TO RAISE WAS THAT THERE'S A DIFFERENCE BETWEEN
9 STORAGE TIME OF INCOMING PILES AND A DIFFERENCE
10 BETWEEN STORAGE TIME OF OUTGOING PILES. IF YOU
11 HAVE MATERIALS THAT HAVE BEEN PROCESSED, AWAITING A
12 MARKET OUT THERE, THERE'S LESS OF AN ISSUE BECAUSE,
13 ESPECIALLY IN AN INERT CASE, IT'S INERT, IT'S NOT
14 AN ISSUE. BUT IF YOU HAVE A PILE SITTING THERE
15 THAT HAS NOT BEEN SORTED AND YOU DON'T KNOW WHAT IS
16 IN THERE, THAT NEEDS LIMITATIONS, THAT NEEDS
17 CONTROLS. SO WE'RE LESS CONCERNED ON AFTER IT'S
18 BEEN PROCESSED, BUT BEFORE IT'S BEEN PROCESSED IS
19 WHEN WE HAVE A PROBLEM SUCH AS THIS ONE HERE. I'LL
20 LEAVE IT AT THAT FOR THE MOMENT, AND HOPE YOU GO
21 AHEAD WITH THE PACKAGE.

22 CHAIRMAN FRAZEE: OKAY. THANK YOU. THE
23 ITEM IS BEFORE US. THAT'S ALL THE SPEAKERS.

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24 MEMBER RELIS: MR. CHAIR, I WOULD MOVE THE
25 STAFF OPTION -- MAKE SURE I GET THE RIGHT ONE HERE.

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1 WHAT'S THE DIFFERENCE FUNDAMENTALLY BETWEEN 1 AND
2 2?

3 MR. BLOCK: THE ONLY REAL DIFFERENCE
4 BETWEEN 1 AND 2 IS THAT, ONE, WE WANTED TO ALLOW
5 SOME ABILITY OF THE COMMITTEE, IF WE HAD SOME
6 TESTIMONY TODAY, WANTED TO GIVE US SOME SPECIFIC
7 DIRECTION NOW ON SOME OF THOSE ISSUES, I WANTED TO
8 LEAVE THAT OPEN AS AN OPTION. REALLY OPTION 2
9 IS -- WOULD BE TO ACCEPT THE STAFF RECOMMENDATION,
10 WHICH IS ON PAGE 11-3 OF THE ITEM.

11 MEMBER RELIS: I'LL MOVE OPTION 2.

12 MEMBER JONES: I'LL SECOND.

13 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
14 SECOND TO ACCEPT OPTION 2 ON CONSTRUCTION,
15 DEMOLITION, AND INERT ISSUE. SECRETARY WILL CALL
16 THE ROLL ON THAT ONE, PLEASE.

17 THE SECRETARY: BOARD MEMBER RELIS.

18 MEMBER RELIS: AYE.

19 THE SECRETARY: BOARD MEMBER JONES.

20 MEMBER JONES: AYE.

21 THE SECRETARY: CHAIRMAN FRAZEE.

22 CHAIRMAN FRAZEE: AYE. MOTION IS
23 CARRIED. AND IS THERE ANY PROBLEM WITH CONSENT ON

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24 THAT OR WE NEED TO --

25 MEMBER JONES: YEAH, CONSENT.

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1 CHAIRMAN FRAZEE: OKAY. CONSENT ON THAT.

2 OKAY. WE'LL TAKE A LUNCH BREAK AND UNTIL 1:30?

3 1:30. WE'LL BE IN RECESS.

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5 (THE LUNCH BREAK WAS THEN TAKEN.)

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